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Bill Analysis
Legislative Service Commission

H.B. 352

125th General Assembly
(As Introduced)

Reps. T. Patton, Kearns

BILL SUMMARY

- Requires the Superintendent of the Bureau of Criminal Identification and Investigation to establish a database of incident reports related to the improper discharge of a firearm.

CONTENT AND OPERATION

Database of incident reports related to the improper discharge of a firearm

The bill requires the Superintendent of the Bureau of Criminal Identification and Investigation (BCII) to do all of the following (R.C. 109.70(A)):

- (1) Establish and maintain a database to monitor reports related to the improper discharge of a firearm (discussed below);
- (2) Develop procedures and forms to receive such reports in both tangible and electronic forms;
- (3) Compile the information in the database in a manner that facilitates the ability of law enforcement agencies¹ to determine potential patterns of criminal activity involving the improper discharge of a firearm;²

¹ As used in the bill, "law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest (R.C. 109.70(E)(2), referencing R.C. 109.573, which is not in the bill).

² Under the bill, "firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm that is inoperable but can

(4) Transmit the compiled information to law enforcement agencies on a monthly basis in a manner that the Superintendent determines to be most effective;

(5) Enable law enforcement agencies to remotely search the database by electronic means.

This database is not a public record open for inspection under the Public Records Law. It is only available to law enforcement agencies. Additionally, information obtained by law enforcement agencies through use of the database is not a public record open for inspection under the Public Records Law. (R.C. 109.70(D).)

Reports that may be included in the database

Under the bill, a law enforcement agency and any individual may use the procedures and forms developed by the Superintendent to submit reports to the Superintendent related to incidents involving the improper discharge of a firearm. Incidents that may be reported include reports alleging the commission of the offense of "improperly discharging a firearm at or into a habitation, in a school safety zone, or with the intent to cause harm or panic to persons in a school, in a school building, or at a school function or the evacuation of a school function," "discharge of a firearm on or near prohibited premises," or a substantially similar ordinance. Additionally, law enforcement agencies and individuals may include reports of other offenses involving the discharge of a firearm under Ohio law, a municipal ordinance, or federal law that the reporting entity determines may be appropriate to the purposes of the database. (R.C. 109.70(B).)

The bill gives the Superintendent the authority to evaluate the credibility of any of these reports the Superintendent receives before including the information in the database. The Superintendent may decide not to include unverifiable reports in the database. (R.C. 109.70(C).)

HISTORY

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readily be rendered operable. (R.C. 109.70(E)(1), referencing R.C. 2923.11, which is not in the bill.)

