



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 263

129th General Assembly  
(As Introduced)

**Reps.** Heard, R. Hagan, Ramos, Foley, Driehaus, Celeste, Antonio, Weddington, Garland

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## BILL SUMMARY

- Requires a gun show promoter to have at least one federally licensed firearms dealer present on the premises of the gun show in order to obtain criminal records checks.
- Requires a gun show vendor, before transferring or attempting to transfer a firearm at a gun show or on the premises of a gun show, to cause a criminal records check of the prospective transferee to be conducted by the federally licensed firearms dealer present at the gun show.
- Requires a federally licensed firearms dealer to notify local law enforcement officials of the identity of a person if, after conducting a criminal records check of the person at a gun show, the dealer believes that the receipt or possession of a firearm by the person would violate federal, state, or local law.
- Requires the Attorney General to prescribe a form that sets forth the requirement that criminal records checks be performed at gun shows, and requires the form to be posted at all gun shows.

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## CONTENT AND OPERATION

### Criminal records check requirement for gun shows

The bill requires a gun show promoter to arrange for one or more federally licensed firearms dealers to provide, on the premises of the gun show, the services necessary to obtain a criminal records check required by the bill.<sup>1</sup> A gun show vendor, before transferring or attempting to transfer a firearm at a gun show or on the premises

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<sup>1</sup> R.C. 2923.27(A).

of a gun show, must cause a criminal records check of the prospective transferee to be conducted by the federally licensed firearms dealer. The criminal records check must be of the same type as would be required of the federally licensed firearms dealer under federal law if that dealer were the vendor.<sup>2</sup> If any part of a firearm transfer takes place at a gun show or on the premises of a gun show, no gun show vendor may transfer the firearm without first obtaining a criminal records check of the prospective transferee by a federally licensed firearms dealer.<sup>3</sup> Whoever violates any of these requirements is guilty of an unlawful gun show transaction, a first-degree misdemeanor.<sup>4</sup>

A federally licensed firearms dealer may charge a fee not exceeding \$10 for each criminal records check the dealer conducts at a gun show.<sup>5</sup>

For purposes of the bill, a "gun show" means the following:

An event or function that is sponsored to facilitate, in whole or in part, the transfer, offer to transfer, or collection of firearms and at which either twenty-five or more firearms are offered or exhibited for transfer or not less than three gun show vendors exhibit, transfer, or offer to transfer firearms.<sup>6</sup>

In addition, a "gun show promoter" means "a person who organizes or operates a gun show,"<sup>7</sup> while "gun show premises" means "the entire premises provided for a gun show, including but not limited to parking areas for the gun show."<sup>8</sup> A "gun show vendor" means "any person who exhibits, transfers, or offers to transfer any firearm at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, transfer, or offer to transfer any firearm."<sup>9</sup>

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<sup>2</sup> R.C. 2923.27(B).

<sup>3</sup> R.C. 2923.27(C).

<sup>4</sup> R.C. 2923.27(D). A first degree misdemeanor is punishable by a jail term of not more than 180 days, a fine of not more than \$1,000, or both (R.C. 2929.24 and 2929.28, not in bill) .

<sup>5</sup> R.C. 2923.29.

<sup>6</sup> R.C. 2923.26(E).

<sup>7</sup> R.C. 2923.26(G).

<sup>8</sup> R.C. 2923.26(F).

<sup>9</sup> R.C. 2923.26(H).

## **Recordkeeping requirements**

The bill requires a federally licensed firearms dealer who obtains a criminal records check as discussed above to record the event in a book kept for that purpose. The record must include all of the following:

(A) The name, age, and residential address of the prospective transferor and transferee;

(B) The make, caliber, and finish of the firearm, together with its number and serial letter, if any; and

(C) The date of the proposed transfer.<sup>10</sup>

A federally licensed firearms dealer is required to maintain the record book and make it available at all times for inspection by any law enforcement officer.<sup>11</sup> Whoever violates the bill's recordkeeping requirements is guilty of failure to maintain a gun show record, a first-degree misdemeanor.<sup>12</sup>

## **Notification of law enforcement**

A federally licensed firearms dealer must notify the chief law enforcement officer of the municipal corporation or county in which a gun show takes place of the identity of a prospective firearm transferee if:

(1) The dealer has obtained a criminal records check of a prospective transferee on behalf of a gun show vendor; and

(2) The dealer has reason to believe, based on the information received from the criminal records check, that the receipt or possession of a firearm by the prospective transferee would violate federal, state, or local law.

The dealer must notify law enforcement within 24 hours after receiving the information from the criminal records check. Further, the dealer must inform law

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<sup>10</sup> R.C. 2923.28(A)(1)-(3).

<sup>11</sup> R.C. 2923.28(B).

<sup>12</sup> R.C. 2923.28(D)(1).

enforcement of the basis of the dealer's belief.<sup>13</sup> Whoever violates this requirement is guilty of failure to report a firearm disability, a first-degree misdemeanor.<sup>14</sup>

### **Notice of criminal records checks**

The bill requires the Attorney General to prescribe a form that a gun show promoter must post at the promoter's gun shows, setting forth the requirement that criminal records checks be performed at the gun show.<sup>15</sup> A gun show promoter is required to prominently post the prescribed notice at every gun show the promoter holds.<sup>16</sup> Whoever violates this posting requirement is guilty of failure to post a required gun show notice, a first-degree misdemeanor.<sup>17</sup>

### **Additional definitions**

The following definitions also apply to the bill:

(A) "Collection" means a trade, barter, or in-kind exchange for one or more firearms.<sup>18</sup>

(B) "Curio or relic" means a firearm that is of special interest to collectors because of some quality of the firearm other than a quality that is associated with firearms intended for sporting use or as offensive or defensive weapons and to which at least one of the following applies:

(1) It was manufactured at least 50 years before the date of its prospective transfer and is not a replica.

(2) It is certified by the curator of a municipal, state, or federal museum that exhibits firearms to be a curio or relic of museum interest.

(3) It derives a substantial part of its monetary value from the fact that it is novel, rare, or bizarre or is associated with some historical figure, period, or event, as shown by evidence of present value and by evidence that like firearms are not available except

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<sup>13</sup> R.C. 2923.28(C).

<sup>14</sup> R.C. 2923.28(D)(2).

<sup>15</sup> R.C. 2923.30(A).

<sup>16</sup> R.C. 2923.30(B).

<sup>17</sup> R.C. 2923.30(C).

<sup>18</sup> R.C. 2923.26(A).

as collector's items or that the value of like firearms available in ordinary commercial channels is substantially less.<sup>19</sup>

(C) "Federally licensed firearms dealer" means an importer, manufacturer, or dealer having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the federal "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C.A. 923 et seq., and any amendments or additions to that act or reenactments of that act.<sup>20</sup>

(D) "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 that can readily be rendered operable, but does not include antique firearms as defined in federal law, or curios or relics.<sup>21</sup>

(E) "Law enforcement officer" has the same meaning as that term is defined in the Ohio Criminal Code.<sup>22</sup> "Law enforcement officer" also includes a federal law enforcement officer, which means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses under the criminal laws of the United States.<sup>23</sup>

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## HISTORY

ACTION	DATE
Introduced	06-14-11

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<sup>19</sup> R.C. 2923.26(B).

<sup>20</sup> R.C. 2923.26(C).

<sup>21</sup> R.C. 2923.26(D).

<sup>22</sup> See R.C. 2901.01.

<sup>23</sup> R.C. 2923.26(I). See also R.C. 2921.51(A)(3) (not in bill).

