

**As Introduced**

**133rd General Assembly**

**Regular Session**

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**H. B. No. 349**

**Representative Weinstein**

**Cosponsors: Representatives Boggs, Boyd, Brown, Crawley, Crossman, Kelly, Leland, Lepore-Hagan, Lightbody, Liston, Miller, A., O'Brien, Robinson, Russo, Sheehy, Skindell, Smith, K., Sobecki, Sykes, Upchurch, West**

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**A BILL**

To amend section 109.52 and to enact sections 1  
109.5731, 2923.191, and 2923.192 of the Revised 2  
Code to generally prohibit a person from 3  
possessing a large capacity magazine and to 4  
establish a large capacity magazine registry. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 109.52 be amended and sections 6  
109.5731, 2923.191, and 2923.192 of the Revised Code be enacted 7  
to read as follows: 8

**Sec. 109.52.** (A) As used in this section, "large capacity 9  
magazine" has the same meaning as in section 2923.191 of the 10  
Revised Code. 11

(B) The bureau of criminal identification and 12  
investigation may operate and maintain a criminal analysis 13  
laboratory and mobile units thereof, create a staff of 14  
investigators and technicians skilled in the solution and 15  
control of crimes and criminal activity, keep statistics and 16

other necessary data, establish, operate, and maintain a large capacity magazine registry, assist in the prevention of crime, and engage in such other activities as will aid law enforcement officers in solving crimes and controlling criminal activity.

**Sec. 109.5731.** (A) As used in this section, "large capacity magazine" has the same meaning as in section 2923.191 of the Revised Code.

(B) The superintendent of the bureau of criminal identification and investigation shall establish, operate, and maintain a large capacity magazine registry.

(C) The superintendent of the bureau of criminal identification and investigation shall do all of the following:

(1) Establish procedures for establishing, operating, and maintaining the large capacity magazine registry, including all of the following:

(a) Reviewing an application to register a large capacity magazine submitted pursuant to division (C) of section 2923.192 of the Revised Code;

(b) Issuing proof of registration of a large capacity magazine issued pursuant to division (D) of this section;

(c) Entering an application to register a large capacity magazine submitted pursuant to division (C) of section 2923.192 of the Revised Code and proof of registration of a large capacity magazine issued pursuant to division (D) of this section into the large capacity magazine registry;

(d) Using and disseminating the information in the large capacity magazine registry.

(2) Prescribe forms necessary for establishing, operating,

and maintaining the large capacity magazine registry, including 45  
both of the following: 46

(a) An application to register a large capacity magazine; 47

(b) Proof of registration of a large capacity magazine. 48

(D) Upon receipt of an application to register a large 49  
capacity magazine submitted pursuant to division (C) of section 50  
2923.192 of the Revised Code, the superintendent of the bureau 51  
of criminal identification and investigation shall do all of the 52  
following: 53

(1) Review or cause to be reviewed the information in the 54  
application to register a large capacity magazine; 55

(2) Issue to the applicant proof of registration of a 56  
large capacity magazine; 57

(3) Enter the application to register a large capacity 58  
magazine and the proof of registration of a large capacity 59  
magazine into the large capacity magazine registry. 60

**Sec. 2923.191.** (A) (1) As used in this section, "large 61  
capacity magazine" means any firearm magazine, belt, drum, feed 62  
strip, or similar device that has the capacity of, or can be 63  
readily restored or converted to accept, more than ten rounds of 64  
ammunition. 65

(2) "Large capacity magazine" does not mean any of the 66  
following: 67

(a) A feeding device that has been permanently altered so 68  
that it cannot accommodate more than ten rounds of ammunition; 69

(b) A .22 caliber tube ammunition feeding device; 70

(c) A tubular magazine that is contained in a lever-action 71

<u>firearm;</u>	72
<u>(d) A magazine that is permanently inoperable.</u>	73
<u>(B) (1) No person shall knowingly possess a large capacity magazine.</u>	74 75
<u>(2) No person shall knowingly purchase, keep for sale, offer or expose for sale, transfer, distribute, or import a large capacity magazine.</u>	76 77 78
<u>(C) Division (B) of this section does not apply to any of the following:</u>	79 80
<u>(1) Officers, agents, or employees of the United States, this or any other state, or political subdivision of this or any other state, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers to the extent that the officer, agent, employee, or member is authorized to possess, purchase, keep for sale, offer or expose for sale, transfer, distribute, or import large capacity magazines and is acting within the scope of the officer's, agent's, employee's, or member's duties;</u>	81 82 83 84 85 86 87 88 89
<u>(2) Importers, manufacturers, and dealers of large capacity magazines that are licensed under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof;</u>	90 91 92 93
<u>(3) Carriers, warehouses, and others engaged in the business of transporting or storing firearms for hire, with respect to large capacity magazines lawfully transported or stored in the usual course of business and in compliance with the laws of this state and applicable federal law.</u>	94 95 96 97 98
<u>(D) Division (B) (1) of this section does not apply to</u>	99

persons who have registered or who are eligible to register a 100  
large capacity magazine with the bureau of criminal 101  
identification and investigation pursuant to section 2923.192 of 102  
the Revised Code. 103

(E) Whoever violates division (B) of this section is 104  
guilty of unlawful possession of a large capacity magazine, a 105  
felony of the fourth degree. 106

**Sec. 2923.192.** (A) As used in this section, "large 107  
capacity magazine" has the same meaning as in section 2923.191 108  
of the Revised Code. 109

(B) The following persons may register a large capacity 110  
magazine with the bureau of criminal identification and 111  
investigation: 112

(1) A person who resides in this state and who lawfully 113  
possesses a large capacity magazine prior to the effective date 114  
of this section; 115

(2) A person who moves into this state who lawfully 116  
possesses a large capacity magazine prior to moving into this 117  
state. 118

(C) A person described in division (B) of this section may 119  
register a large capacity magazine with the bureau of criminal 120  
identification and investigation by doing the following: 121

(1) Completing an application to register a large capacity 122  
magazine on a form prescribed in division (C) of section 123  
109.5731 of the Revised Code; 124

(2) Submitting the application to register a large 125  
capacity magazine to the bureau of criminal identification and 126  
investigation by one of the following dates: 127

<u>(a) If the applicant is a person described in division (B)</u>	128
<u>(1) of this section, not later than one hundred eighty days</u>	129
<u>after the effective date of this section;</u>	130
<u>(b) If applicant is a person described in division (B) (2)</u>	131
<u>of this section, not later than one hundred eighty days after</u>	132
<u>the person moves into this state.</u>	133
<u>(3) Receiving proof of registration of a large capacity</u>	134
<u>magazine from the bureau of criminal identification and</u>	135
<u>investigation on a form prescribed in division (C) of section</u>	136
<u>109.5731 of the Revised Code.</u>	137
<b>Section 2.</b> That existing section 109.52 of the Revised	138
Code is hereby repealed.	139