

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**S. B. No. 58**

**Senators Johnson, Gavarone**

**Cosponsors: Senators Schaffer, Cirino, Brenner, O'Brien, Romanchuk, Hoagland**

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**A BILL**

To amend section 9.68 of the Revised Code to 1  
prohibit requiring fees or firearms liability 2  
insurance for the possession of firearms, or 3  
fees for the possession of knives. 4

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

**Section 1.** That section 9.68 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 9.68.** (A) The individual right to keep and bear arms, 7  
being a fundamental individual right that predates the United 8  
States Constitution and Ohio Constitution, and being a 9  
constitutionally protected right in every part of Ohio, the 10  
general assembly finds the need to provide uniform laws 11  
throughout the state regulating the ownership, possession, 12  
purchase, other acquisition, transport, storage, carrying, sale, 13  
other transfer, manufacture, taxation, keeping, and reporting of 14  
loss or theft of firearms, their components, and their 15  
ammunition, and knives. The general assembly also finds and 16  
declares that it is proper for law-abiding people to protect 17  
themselves, their families, and others from intruders and 18

attackers without fear of prosecution or civil action for acting 19  
in defense of themselves or others. Except as specifically 20  
provided by the United States Constitution, Ohio Constitution, 21  
state law, or federal law, a person, without further license, 22  
permission, restriction, delay, or process, including by any 23  
ordinance, rule, regulation, resolution, practice, or other 24  
action or any threat of citation, prosecution, or other legal 25  
process, may own, possess, purchase, acquire, transport, store, 26  
carry, sell, transfer, manufacture, or keep any firearm, part of 27  
a firearm, its components, and its ammunition, and any knife, 28  
without being required to have firearm liability insurance, and 29  
without being required to pay a fee for the possession of a 30  
firearm, part of a firearm, its components, its ammunition, or a 31  
knife. Any such further license, permission, restriction, delay, 32  
or process interferes with the fundamental individual right 33  
described in this division and unduly inhibits law-abiding 34  
people from protecting themselves, their families, and others 35  
from intruders and attackers and from other legitimate uses of 36  
constitutionally protected arms, including hunting and sporting 37  
activities, and the state by this section preempts, supersedes, 38  
and declares null and void any such further license, permission, 39  
restriction, delay, or process. 40

(B) A person, group, or entity adversely affected by any 41  
manner of ordinance, rule, regulation, resolution, practice, or 42  
other action enacted or enforced by a political subdivision in 43  
conflict with division (A) of this section may bring a civil 44  
action against the political subdivision seeking damages from 45  
the political subdivision, declaratory relief, injunctive 46  
relief, or a combination of those remedies. Any damages awarded 47  
shall be awarded against, and paid by, the political 48  
subdivision. In addition to any actual damages awarded against 49

the political subdivision and other relief provided with respect 50  
to such an action, the court shall award reasonable expenses to 51  
any person, group, or entity that brings the action, to be paid 52  
by the political subdivision, if either of the following 53  
applies: 54

(1) The person, group, or entity prevails in a challenge 55  
to the ordinance, rule, regulation, resolution, practice, or 56  
action as being in conflict with division (A) of this section. 57

(2) The ordinance, rule, regulation, resolution, practice, 58  
or action or the manner of its enforcement is repealed or 59  
rescinded after the civil action was filed but prior to a final 60  
court determination of the action. 61

(C) As used in this section: 62

(1) The possession, transporting, or carrying of firearms, 63  
their components, their ammunition, or knives include, but are 64  
not limited to, the possession, transporting, or carrying, 65  
openly or concealed on a person's person or concealed ready at 66  
hand, of firearms, their components, their ammunition, or 67  
knives. 68

(2) "Firearm" has the same meaning as in section 2923.11 69  
of the Revised Code. 70

(3) "Reasonable expenses" include, but are not limited to, 71  
reasonable attorney's fees, court costs, expert witness fees, 72  
and compensation for loss of income. 73

(4) "Knife" means a cutting instrument and includes a 74  
sharpened or pointed blade. 75

(5) "Arms" includes firearms and knives. 76

(6) "Firearm liability insurance" means a policy of 77

liability insurance covering losses resulting from the use of a 78  
firearm owned by the person covered by the policy. 79

(D) This section does not apply to either of the 80  
following: 81

(1) A zoning ordinance that regulates or prohibits the 82  
commercial sale of knives, firearms, firearm components, or 83  
ammunition for firearms in areas zoned for residential or 84  
agricultural uses; 85

(2) A zoning ordinance that specifies the hours of 86  
operation or the geographic areas where the commercial sale of 87  
knives, firearms, firearm components, or ammunition for firearms 88  
may occur, provided that the zoning ordinance is consistent with 89  
zoning ordinances for other retail establishments in the same 90  
geographic area and does not result in a de facto prohibition of 91  
the commercial sale of knives, firearms, firearm components, or 92  
ammunition for firearms in areas zoned for commercial, retail, 93  
or industrial uses. 94

**Section 2.** That existing section 9.68 of the Revised Code 95  
is hereby repealed. 96