

such a manner that it is not easily accessible to minor children, shall be guilty of a misdemeanor punishable by not more than Five Hundred Dollars (\$500.00) and three days imprisonment. "Easily accessible" means that the minor child can get access to the firearm without unusual

exertions such as breaking a door or window, picking a lock, etc. For purposes of this subsection, a firearm that is kept locked in a secure location with the key or combination kept out of the possession of minor children, shall be presumed not easily accessible.

**[Current through N. Mar. I. Pub. Law 14-66 (May 5, 2005), including N. Mar. I. Pub. Law 14-51]**

## OHIO OHIO REV. CODE

### Title I. State Government

#### Chapter 109. Attorney General

##### Ohio Peace Officer Training Commission

###### **109.731. Duties of commission concerning licenses to carry concealed handgun.**

(A) The Ohio peace officer training commission shall prescribe, and shall make available to sheriffs, all of the following:

(1) An application form that is to be used under section 2923.125 of the Revised Code by a person who applies for a license to carry a concealed handgun or for the renewal of a license of that nature and that conforms substantially to the form prescribed in section 2923.1210 of the Revised Code; ...

(B)(1) The Ohio peace officer training commission, in consultation with the attorney general, shall prepare a pamphlet that does all of the following, in everyday language:

- (a) Explains the firearms laws of this state;
- (b) Instructs the reader in dispute resolution and explains the laws of this state related to that matter;
- (c) Provides information to the reader regarding all aspects of the use of deadly force with a firearm, including, but not limited to, the steps that should be taken before contemplating the use of, or using, deadly force with a firearm, possible alternatives to using deadly force with a firearm, and the law governing the use of deadly force with a firearm.

(2) The attorney general shall consult with and assist the commission in the preparation of the pamphlet described in division (B)(1) of this section and, as necessary, shall recommend to the commission changes in the pamphlet to reflect changes in the law that are relevant to it. The commission shall make copies of the pamphlet available to any person, public entity, or private entity that operates or teaches a training course, class, or program described in division (B)(3)(a), (b), (c), and (e) of section 2923.125 of the Revised Code and requests copies for distribution to persons who take the course, class, or program, and to sheriffs for distribution to applicants under section 2923.125 of the Revised Code for a license to carry a concealed handgun and applicants under that section for the renewal of a license to carry a concealed handgun. ...

(E) As used in this section, "handgun" has the same meaning as in section 2923.11 of the Revised Code.

#### **Chapter 181. Criminal Sentencing Council; Criminal Justice Services**

##### Criminal Sentencing Council

**181.251. Poster and brochure describing safe firearms practices.** The office of criminal justice services shall prepare a poster and a brochure that describe safe firearms practices. The

poster and brochure shall contain typeface that is at least one-quarter inch tall. The office shall furnish copies of the poster and brochure free of charge to each federally licensed firearms dealer in this state.

As used in this section, "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. 923 et seq., and any amendments or additions to that act or reenactments of that act.

### Title XXIX. Crimes - Procedure

#### Chapter 2921. Offenses Against Justice and Public Administration

##### Perjury

###### **2921.13. Falsification; in theft offense; to purchase firearm.**

(A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies: ...

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity. ...

(14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a license to carry a concealed handgun or is made in an affidavit submitted to a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B)(3) of section 2923.125 of the Revised Code. ...

(F)(3) Whoever violates division (A)(12) or (B) of this section is guilty of falsification to purchase a firearm, a felony of the fifth degree.

(4) Whoever violates division (A)(14) or (C) of this section is guilty of falsification to obtain a

concealed handgun license, a felony of the fourth degree.

(G) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.

#### Chapter 2923. Conspiracy, Attempt, and Complicity; Weapons Control; Corrupt Activity

##### Weapons Control

**2923.11. Definitions.** As used in sections 2923.11 to 2923.24 of the Revised Code:

(A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(B)(1) "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.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(C) "Handgun" means any of the following:

(1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a type described in division (C)(1) of this section can be assembled.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;

(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:

(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, peccretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;

(5) Any firearm muffler or silencer;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(L) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;

(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L)(3) of this

section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece.

(6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that act.

(M) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as class A, class B, or class C explosives by the United States department of transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks," as defined in section 3743.01 of the Revised Code, or any explosive that is not subject to regulation under the rules of the fire marshal adopted pursuant to section 3737.82 of the Revised Code.

#### 2923.12. Carrying concealed weapons.

(A) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:

(1) A deadly weapon other than a handgun;

(2) A handgun other than a dangerous ordnance;

(3) A dangerous ordnance.

(B) No person who has been issued a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, who is stopped for a law enforcement purpose, and who is carrying a concealed handgun shall fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then is carrying a concealed handgun.

(C)(1) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance and acting within the scope of their duties.

(2) Division (A)(2) of this section does not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, who is authorized to carry a handgun and acting within the scope of the officer's, agent's, or employee's duties;

(b) A person who, at the time of the alleged carrying or possession of a handgun, is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of

the Revised Code, unless the person knowingly is in a place described in division (B) of section 2923.126 of the Revised Code.

(D) It is an affirmative defense to a charge under division (A)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the weapon and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(4) The weapon was being transported in a motor vehicle for any lawful purpose, was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of division (C) of section 2923.16 of the Revised Code.

(E) It is an affirmative defense to a charge under division (A) of this section of carrying or having control of a handgun other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the handgun and that the handgun was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home, provided that this affirmative defense is not available unless the actor, prior to arriving at the actor's own home, did not transport or possess the handgun in a motor vehicle in a manner prohibited by division (B) or (C) of section 2923.16 of the Revised Code while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(F) No person who is charged with a violation of this section shall be required to obtain a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code as a condition for the dismissal of the charge.

(G)(1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or division (G)(2) of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or division (G)(2) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony of the fourth degree. Except as otherwise provided in division (G)(2) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303. of the Revised Code or if the offense is committed aboard an

aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (A) of this section is a felony of the third degree.

(2) If a person being arrested for a violation of division (A)(2) of this section promptly produces a valid license or temporary emergency license to carry a concealed handgun issued under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, and if at the time of the violation the person was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce any of those types of license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:

(a) The offender shall be guilty of a minor misdemeanor if both of the following apply:

(i) Within ten days after the arrest, the offender presents a license or temporary emergency license to carry a concealed handgun issued under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.

(ii) At the time of the arrest, the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code.

(b) The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars if all of the following apply:

(i) The offender previously had been issued a license to carry a concealed handgun under section 2923.125 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code and that was similar in nature to a license issued under section 2923.125 of the Revised Code, and that license expired within the two years immediately preceding the arrest.

(ii) Within forty-five days after the arrest, the offender presents any type of license identified in division (G)(2)(a)(i) of this section to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in section 2945.71 of the Revised Code.

(iii) At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code.

(c) If neither division (G)(2)(a) nor (b) of this section applies, the offender shall be punished under division (G)(1) of this section.

(3) Carrying concealed weapons in violation of division (B) of this section is a misdemeanor of the fourth degree.

(H) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of

the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

**[Publisher's Note: 2004 Ohio Laws HB 12, effective April 8, 2004, provides in §§6, 7 & 9 –**

**"Section 6.** In amending sections 1547.69, 2911.21, 2921.13, 2923.12, 2923.121, 2923.123, 2923.13, 2923.16, 2953.32, and 4749.10 of the Revised Code and in enacting sections 109.69, 109.731, 311.41, 311.42, and 2923.124 to 2923.1213 of the Revised Code in this act, the General Assembly hereby declares its intent to recognize both of the following:

"(A) The inalienable and fundamental right of an individual to defend the individual's person and the members of the individual's family;

"(B) The fact that the right described in division (A) of this section predates the adoption of the United States Constitution, the adoption of the Ohio Constitution, and the enactment of all statutory laws by the General Assembly and may not be infringed by any enactment of the General Assembly.

**"Section 7.** In enacting sections 109.69, 109.731, 311.41, 311.42, and 2923.124 to 2923.1213 of the Revised Code in this act and in amending sections 1547.69, 2911.21, 2921.13, 2923.12, 2923.121, 2923.123, 2923.13, 2923.16, 2953.32, and 4749.10 of the Revised Code in this act relative to licenses to carry a concealed handgun, the General Assembly hereby declares that it is not its intent to declare or otherwise give the impression that, prior to the effective date of this act, an individual did not have an inalienable and fundamental right, or a right under the Ohio Constitution or the United States Constitution, to carry a concealed handgun or other firearm for the defense of the individual's person or a member of the individual's family while engaged in lawful activity. Further, the General Assembly declares that it is not its intent to invalidate any prior convictions for violating any section of the Revised Code or a municipal ordinance prior to the effective date of this act or to prevent the prosecution of any violation committed prior to the effective date of this act.

**"Section 9.** The General Assembly finds that licenses to carry concealed handguns are a matter of statewide concern and wishes to ensure uniformity throughout the state regarding the qualifications for a person to hold a license to carry a concealed handgun and the authority granted to a person holding a license of that nature. It is the intent of the General Assembly in amending sections 1547.69, 2911.21, 2921.13, 2923.12, 2923.121, 2923.123, 2923.16, 2953.32, and 4749.10 and enacting sections 109.69, 109.731, 311.41, 311.42, and 2923.124 to 2923.1213 of the Revised Code to enact laws of a general nature, and, by enacting those laws of a general nature, the state occupies and preempts the field of issuing licenses to carry a concealed handgun and the validity of licenses of that nature. No municipal corporation may adopt or continue in existence any ordinance, and no township may adopt or continue in existence any resolution, that is in conflict with those sections, including, but not limited to, any ordinance or resolution that attempts to restrict the places where a person possessing a valid license to carry a concealed handgun may carry a handgun concealed."

**2923.122. Illegal conveyance or possession of deadly weapon or dangerous ord-**

**nance or illegal possession of object indistinguishable from firearm in school safety zone.**

(A) No person shall knowingly convey, or attempt to convey, a deadly weapon or dangerous ordnance into a school safety zone.

(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.

(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:

(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.

(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(D)(1) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry deadly weapons or dangerous ordnance and acting within the scope of their duties, to any security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or to any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization.

(2) Division (C) of this section does not apply to premises upon which home schooling is conducted. Division (C) of this section also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express prior approval of a school administrator possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, or a ROTC activity or another similar use of the object.

(3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:

(a) The person does not enter into a school building or onto school premises and is not at a school activity.

(b) The person is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code.

(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B).

(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to (10) of section 2923.126 of the Revised Code.

**(E)(1)** Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree.

**(2)** Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony of the fifth degree.

**(F)(1)** In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in division (A)(4) of section 4510.02 of the Revised Code and shall deny the offender the issuance of any permit or license of that type during the period of the suspension. If the offender is not a resident of this state, the court shall impose a class four suspension of the non-resident operating privilege of the offender from the range specified in division (A)(4) of section 4510.02 of the Revised Code.

**(2)** If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in division (F)(1) of this section or deny the issuance of one of the temporary instruction permits specified in that division, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that division.

**(G)** As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

**2923.13. Having weapons while under disability.**

**(A)** Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

**(1)** The person is a fugitive from justice.  
**(2)** The person is under indictment for or has been convicted of any felony offense of violence, or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.

**(3)** The person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distri-

bution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been an offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.

**(4)** The person is drug dependent, in danger of drug dependence, or a chronic alcoholic.

**(5)** The person is under adjudication of mental incompetence, has been adjudicated as a mental institution, has been found by a court to be a mentally ill person subject to hospitalization by court order, or is an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to hospitalization by court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

**(B)** Whoever violates this section is guilty of having weapons while under disability, a felony of the third degree.

**2923.14. Relief from disability.**

**(A)** Any person who, solely by reason of the person's disability under division (A)(2) or (3) of section 2923.13 of the Revised Code, is prohibited from acquiring, having, carrying, or using firearms, may apply to the court of common pleas in the county in which the person resides for relief from such prohibition.

**(B)** The application shall recite the following:

**(1)** All indictments, convictions, or adjudications upon which the applicant's disability is based, the sentence imposed and served, and any release granted under a community control sanction, post-release control sanction, or parole, any partial or conditional pardon granted, or other disposition of each case;

**(2)** Facts showing the applicant to be a fit subject for relief under this section.

**(C)** A copy of the application shall be served on the county prosecutor. The county prosecutor shall cause the matter to be investigated and shall raise before the court any objections to granting relief that the investigation reveals.

**(D)** Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:

**(1)** The applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance.

**(2)** The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.

**(3)** The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

**(E)** Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.

**(F)** Relief from disability granted pursuant to this section:

**(1)** Applies only with respect to indictments, convictions, or adjudications recited in the application;

**(2)** Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;

**(3)** Does not apply with respect to dangerous ordnance;

**(4)** May be revoked by the court at any time for good cause shown and upon notice to the applicant;

**(5)** Is automatically void upon commission by the applicant of any offense set forth in division (A)(2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of

the class of persons named in division (A)(1), (4), or (5) of that section.

**(G)** As used in this section:

**(1)** "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

**(2)** "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.

**2923.15. Using weapons while intoxicated.**

**(A)** No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

**(B)** Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

**2923.16 Improper handling firearms in a motor vehicle.**

**(A)** No person shall knowingly discharge a firearm while in or on a motor vehicle.

**(B)** No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

**(C)** No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded and is carried in one of the following ways:

**(1)** In a closed package, box, or case;

**(2)** In a compartment that can be reached only by leaving the vehicle;

**(3)** In plain sight and secured in a rack or holder made for the purpose;

**(4)** In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

**(D)** No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:

**(1)** The person is under the influence of alcohol, a drug of abuse, or a combination of them.

**(2)** The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol prohibited for persons operating a vehicle, as specified in division (A) of section 4511.19 of the Revised Code, regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle.

**(E)** No person who has been issued a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code shall do any of the following:

**(1)** Knowingly transport or have a loaded handgun in a motor vehicle unless the loaded handgun either is in a holster and in plain sight on the person's person or it is securely encased by being stored in a closed, locked glove compartment or in a case that is in plain sight and that is locked;

**(2)** If the person is transporting or has a loaded handgun in a motor vehicle in a manner authorized under division (E)(1) of this section, knowingly remove or attempt to remove the loaded handgun from the holster, glove compartment, or case, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers while the motor vehicle is being operated on a street, highway, or public property unless the person removes, attempts to remove, grasps, holds, or has the contact with the loaded handgun pursuant to and in accord-

ance with directions given by a law enforcement officer;

(3) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then possesses or has a loaded handgun in the motor vehicle.

(4) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless, regarding a failure to remain in the motor vehicle or to keep the person's hands in plain sight, the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(5) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose, if the person is transporting or has a loaded handgun in the motor vehicle in a manner authorized under division (E)(1) of this section, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, glove compartment, or case, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.

(F)(1) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of their duties. ...

(3) Divisions (B) and (C) of this section do not apply to a person if all of the following circumstances apply:

(a) At the time of the alleged violation of either of those divisions, the person is the operator of or a passenger in a motor vehicle.

(b) The motor vehicle is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.

(c) The person owns the real property described in division (D)(3)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.

(d) The person, prior to arriving at the real property described in division (D)(3)(b) of this section, did not transport or possess a firearm in

the motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic or parking.

(4) Divisions (B) and (C) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, all of the following apply:

(a) The person transporting or possessing the handgun is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code.

(b) The person transporting or possessing the handgun is not knowingly in a place described in division (B) of section 2923.126 of the Revised Code.

(c) Either the handgun is in a holster and in plain sight on the person's person or the handgun is securely encased by being stored in a closed, locked glove compartment or in a case that is in plain sight and that is locked.

(G)(1) The affirmative defenses authorized in divisions (D)(1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (B) or (C) of this section that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(H) No person who is charged with a violation of division (B), (C), or (D) of this section shall be required to obtain a license or temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code as a condition for the dismissal of the charge.

(I) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of division (A) of this section is a felony of the fourth degree. Violation of division (C) of this section is a misdemeanor of the fourth degree. A violation of division (D) of this section is a felony of the fifth degree. A violation of division (E)(3) of this section is a misdemeanor of the fourth degree. A violation of division (E)(1), (2), or (5) of this section is a felony of the fifth degree. A violation of division (E)(4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (E)(4) of this section, a felony of the fifth degree. A violation of division (B) of this section is whichever of the following is applicable:

(1) If, at the time of the transportation or possession in violation of division (B) of this section, the offender was carrying a valid license or temporary emergency license to carry a concealed handgun issued to the offender under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun

that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code and the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the violation is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (B) of this section, a felony of the fourth degree.

(2) If division (I)(1) of this section does not apply, a felony of the fourth degree.

(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

(K) As used in this section:

(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code.

(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.

(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code.

(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code.

(5) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

**2923.17. Unlawful possession of dangerous ordnance; illegally manufacturing or processing explosives.**

(A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance.

(B) No person shall manufacture or process an explosive at any location in this state unless the person first has been issued a license, certificate of registration, or permit to do so from a fire official of a political subdivision of this state or from the office of the fire marshal.

(C) Division (A) of this section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, 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 any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of the person's duties;

(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such section;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit.

(D) Whoever violates division (A) of this section is guilty of unlawful possession of dangerous ordnance, a felony of the fifth degree.

(E) Whoever violates division (B) of this section is guilty of illegally manufacturing or processing explosives, a felony of the second degree.

**2923.18. License or permit to possess dangerous ordnance.**

(A) Upon application to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators, and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried, or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes on lands farmed by them;

(3) Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by any such person while acting within the scope of his duties;

(5) In the discretion of the issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or other proper purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business. The application shall be accompanied by an application fee of fifty dollars when the application is for a license, and an application fee of five dollars when the application is for a temporary permit. The fees shall be paid into the gen-

eral revenue fund of the county or municipality. The application shall contain the following information:

(1) The name, age, address, occupation, and business address of the applicant, if he is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation;

(2) A description of the dangerous ordnance for which a permit is requested;

(3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;

(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;

(5) Such other information as the issuing authority may require in giving effect to this section.

(C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and ensure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.

(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the issuing authority considers advisable to protect the security of the dangerous ordnance and ensure the safety of persons and property.

(E) A temporary permit shall be issued for the casual use of explosives and explosive devices, and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance, or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the issuing authority may specify such expiration date, not earlier than one year from the date of issuance, as it considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(F) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the state. The holder of a license may use such dangerous ordnance anywhere in the state. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the issuing authority.

(G) The issuing authority shall forward to the state fire marshal a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in dangerous ordnance and of each report of lost or stolen dangerous ordnance, given to the local law enforcement authority as required by divisions (A)(4) and (5) of section 2923.20 of the Revised Code. The state fire marshal shall keep

a permanent file of all licenses and temporary permits issued pursuant to this section, and of all records of transactions in, and losses or thefts of dangerous ordnance forwarded by local law enforcement authorities pursuant to this section.

**2923.19. Failure to secure dangerous ordnance.**

(A) No person, in acquiring, possessing, carrying, or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

(B) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.

**2923.20. Unlawful transactions in weapons.**

(A) No person shall:

(1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section;

(3) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(4) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of that record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(5) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A)(1) or (2) of this section is a felony of the fourth degree. A violation of division (A)(3) or (4) of this section is a misdemeanor of the second degree. A violation of division (A)(5) of this section is a misdemeanor of the fourth degree.

**2923.21. Improperly furnishing firearms to a minor.**

(A) No person shall do any of the following:

(1) Sell any firearm to a person who is under eighteen years of age;

(2) Subject to division (B) of this section, sell any handgun to a person who is under twenty-one years of age;

(3) Furnish any firearm to a person who is under eighteen years of age or, subject to division (B) of this section, furnish any handgun to a person who is under twenty-one years of age, except for lawful hunting, sporting, or educational purposes, including, but not limited to, instruction in firearms or handgun safety, care, hand-

**Title 13. General Offenses  
Chapter 137. Weapons Control  
Weapons Control Generally**

**137.01. Definitions.** For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"Airgun."** Any air pistol, air rifle, BB gun, pump gun, pellet gun, CO-2 gun, or similar instrument or device capable of discharging ammunition by means of air pressure or spring action.

**"Ammunition."** Any leaden or metallic projectile, any pellet or any other substance capable of inflicting injuries to persons or property when used in an airgun.

**"Automatic firearm."** Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic Firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges. ...

**"Dangerous ordnance."**

**A.** Any of the following, except as provided in subsection B of this section:

1. Any automatic or sawed-off firearm, or zip-gun;
2. Any explosive device or incendiary device;
3. Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
4. Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon.
5. Any firearm muffler or silencer;
6. Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance;
7. A Taser or any device which shoots a dart-like object charged with volts of electricity.

**B.** "Dangerous Ordnance" does not include any of the following:

1. Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;
2. Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;
3. Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage and is designed and safe for use only with black powder;

ling, or marksmanship under the supervision or control of a responsible adult;

(4) Sell or furnish a firearm to a person who is eighteen years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the firearm for the purpose of selling the firearm in violation of division (A)(1) of this section to a person who is under eighteen years of age or for the purpose of furnishing the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;

(5) Sell or furnish a handgun to a person who is twenty-one years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the handgun for the purpose of selling the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or for the purpose of furnishing the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age;

(6) Purchase or attempt to purchase any firearm with the intent to sell the firearm in violation of division (A)(1) of this section to a person who is under eighteen years of age or with the intent to furnish the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;

(7) Purchase or attempt to purchase any handgun with the intent to sell the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or with the intent to furnish the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age.

(B) Divisions (A)(1) and (2) of this section do not apply to the sale or furnishing of a handgun to a person eighteen years of age or older and under twenty-one years of age if the person eighteen years of age or older and under twenty-one years of age is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio peace officer training council or equivalent firearms training.

(C) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a felony of the fifth degree.

**2923.211. Underage purchase of firearm or handgun.**

(A) No person under eighteen years of age shall purchase or attempt to purchase a firearm.

(B) No person under twenty-one years of age shall purchase or attempt to purchase a handgun, provided that this division does not apply to the purchase or attempted purchase of a handgun by a person eighteen years of age or older and under twenty-one years of age if the person eighteen years of age or older and under twenty-one years of age is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio peace officer training council or equivalent firearms training.

(C) Whoever violates division (A) of this section is guilty of underage purchase of a firearm, a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. Whoever violates division (B) of this section is guilty of underage purchase of a handgun, a misdemeanor of the second degree.

**2923.22. Permitted interstate transactions in firearms.**

(A) Any resident of Ohio age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or any applicable law of another state or the Revised Code from acquir-

ing or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia.

(B) Any resident of Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia, age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or the laws of his domicile or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Ohio.

(C) Any purchase and sale pursuant to this section shall be for such purposes and under such circumstances and upon such conditions as are prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922 (b)(3), and any amendments or additions thereto or reenactments thereof.

**2923.23. Immunity from prosecution.**

(A) No person who acquires, possesses, or carries a firearm or dangerous ordnance in violation of section 2923.13 or 2923.17 of the Revised Code shall be prosecuted for such violation, if he reports his possession of firearms or dangerous ordnance to any law enforcement authority, describes the firearms of [or] dangerous ordnance in his possession and where they may be found, and voluntarily surrenders the firearms or dangerous ordnance to the law enforcement authority. A surrender is not voluntary if it occurs when the person is taken into custody or during a pursuit or attempt to take the person into custody under circumstances indicating that the surrender is made under threat of force.

(B) No person in violation of section 2923.13 of the Revised Code solely by reason of his being under indictment shall be prosecuted for such violation if, within ten days after service of the indictment, he voluntarily surrenders the firearms and dangerous ordnance in his possession to any law enforcement authority pursuant to division (A) of this section, for safekeeping pending disposition of the indictment or of an application for relief under section 2923.14 of the Revised Code.

(C) Evidence obtained from or by reason of an application or proceeding under section 2923.14 of the Revised Code for relief from disability, shall not be used in a prosecution of the applicant for any violation of section 2923.13 of the Revised Code.

(D) Evidence obtained from or by reason of an application under section 2923.18 of the Revised Code for a permit to possess dangerous ordnance, shall not be used in a prosecution of the applicant for any violation of section 2923.13 or 2923.17 of the Revised Code.

**2923.25 Federally licensed firearms dealers to offer locking device to purchaser.**

Each federally licensed firearms dealer who sells any firearm, at the time of the sale of the firearm, shall offer for sale to the purchaser of the firearm a trigger lock, gun lock, or gun locking device that is appropriate for that firearm. Each federally licensed firearms dealer shall post in a conspicuous location in the dealer's place of business the poster furnished to the dealer pursuant to section 181.521 of the Revised Code and shall make available to all purchasers of firearms from the dealer the brochure furnished to the dealer pursuant to that section.

As used in this section, "federally licensed firearms dealer" has the same meaning as in section 181.251 of the Revised Code.

[Current as of Jan. 24, 2005, including 2004 Ohio Laws File 53 (HB 12)]

4. Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (B)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

5. Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece;

6. Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (A) (4), and regulations issued under that act.

**"Deadly weapon."** Any instrument, device or thing capable of inflicting death and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

**"Explosive device."** Any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive Device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

**"Firearm."**

1. 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 which is inoperable but which can readily be rendered operable.

2. When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

**"Handgun."** Any of the following: (1) any firearm that has a short stock and is designed to be held and fired by the use of a single hand; (2) any combination of parts from which a firearm described in the preceding definition can be assembled.

**"Incendiary device."** Any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

**"Pistol."** Any firearm with a barrel less than twelve inches in length.

**"Sawed-off firearm."** A shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

**"Semi-automatic firearm."** Any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

**"Zip-gun."** Any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as a firearm;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but

which as designed is capable of use as such, when possessed, carried or used as a firearm.

**137.02. Carrying weapons - Concealed weapons.**

**A. Weapons generally.** Except as otherwise permitted by law, no person shall carry on or about his person a pistol, a knife having a blade two and one-half inches in length or longer, knuckles, a billy or other dangerous weapon. "Proper justification" includes, but is not limited to, the right of law enforcement officers and other persons specifically authorized by law to be armed within the scope of his or her duties. This section does not apply to a person who is engaged in a lawful business or pursuit justifying possession of such an item and the person did not use or intend to use the item as a weapon. It shall be an affirmative defense to a violation of this section that the defendant was at the time engaged in a lawful business, calling, employment or occupation and the circumstances in which he was placed justified a prudent man in possessing such a weapon for the defense of his person, property or family.

**B.1.** Except as otherwise permitted by law, no person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon or dangerous ordnance.

2. This section does not apply to officers, agents, or employees of this or any other state or of the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnances, and acting within the scope of their duties.

3. It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

a. The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, that would justify a prudent man in going armed.

b. The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon himself or a member of his family, or upon his home, such as would justify a prudent man in going armed.

c. The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in his own home.

d. The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of Ohio Revised Code §2923.16.

**C. Penalty.**

1. Whoever violates subsection A of this section is guilty of a misdemeanor of the third degree.

2. Whoever violates subsection B of this section is guilty of carrying concealed weapons, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or a like offense or of any offense of violence, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under R.C. Chapter 4303, if the weapon in-

volved is a firearm which is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, then carrying concealed weapons is a felony of the third degree and shall be prosecuted under appropriate state law. If the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law.

**137.03. Using weapons while intoxicated.**

**A.** No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

**B.** Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

**137.04. Improperly handling firearms in a motor vehicle.**

**A.** For the purpose of this section, "unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, that the weapon is uncapped, or that the priming charge is removed from the pan.

**B.** Except as otherwise permitted by law, no person shall knowingly discharge a firearm while in or on a motor vehicle.

**C.** Except as otherwise permitted by law, no person shall knowingly transport or have a loaded firearm in a motor vehicle, in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

**D.** Except as otherwise permitted by law, no person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

1. In a closed package, box or case;

2. In a compartment which can be reached only by leaving the vehicle;

3. In plain sight and secured in a rack or holder made for the purpose;

4. In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

**E.** This section does not apply to officers, agents, or employees of this or any other state or of the United States, or to law enforcement officers, authorized to carry or have loaded or accessible firearms in motor vehicles, and acting within the scope of their duties.

**F.** The affirmative defenses contained in §137.02(B)(3)(a) and (b) are affirmative defenses to a charge under subsection C or D of this section.

**G.** Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection B or C of this section is a misdemeanor of the first degree. Violation of subsection D of this section is a misdemeanor of the fourth degree. Penalty, see §130.99.

**137.05. Failure to secure dangerous ordnance.**

**A.** No person, in acquiring, possessing, carrying, or using any dangerous ordnance, shall negligently fail to take proper precautions:

1. To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;

2. To insure the safety of persons and property.

**B.** Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.

**137.06. License to possess dangerous ordnance.**



A. Upon application to the Safety Director or Police Chief, and upon payment of the fee specified in subsection B of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:

1. Contractors, wreckers, quarrymen, mine operators, and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried, or used in the course of such business;

2. Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes on lands farmed by them;

3. Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;

4. Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by any such person while acting within the scope of his duties;

5. In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or other proper purpose.

B. Application for a license or temporary permit under this section shall be in writing under oath to the Safety Director or Police Chief. The application shall be accompanied by an application fee of fifty dollars when the application is for a license, and an application fee of five dollars when the application is for a temporary permit. The fees shall be paid into the General Fund of the municipality. The application shall contain the following information:

1. The name, age, address, occupation, and business address of the applicant, if he is a natural person, or the name, address and principal place of business of the applicant, if the applicant is a corporation;

2. A description of the dangerous ordnance for which a permit is requested;

3. A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;

4. A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;

5. Such other information as the Safety Director or Police Chief may require in giving effect to this section.

C. Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:

1. The applicant is not otherwise prohibited by law from acquiring, having, carrying, or using dangerous ordnance;

2. The applicant is age twenty-one or over, if he is a natural person;

3. It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

4. It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.

D. The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved, and state the purposes for which the license or temporary permit

is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

E. A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

F. The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the state. The holder of a license may use such dangerous ordnance anywhere in the state. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the municipality.

G. The Safety Director or Police Chief shall forward to the State Fire Marshal a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in dangerous ordnance and of each report of lost or stolen dangerous ordnance, given to the Police Department as required by R.C. §§2923.20(A)(4) and (5).

#### **137.07. Immunity from prosecution.**

A. No person who acquires, possesses, or carries a firearm or dangerous ordnance in violation of R.C. §§2923.13 or 2923.17 shall be prosecuted for such violation if he reports his possession of firearms or dangerous ordnance to any law enforcement authority, describes the firearms or dangerous ordnance in his possession and where they may be found, and voluntarily surrenders the firearms or dangerous ordnance to the law enforcement authority. A surrender is not voluntary if it occurs when the person is taken into custody or during a pursuit or attempt to take the person into custody, under circumstances indicating that the surrender is made under threat of force.

B. Evidence obtained from or by reason of an application under §137.06 for a permit to possess dangerous ordnance, shall not be used in a prosecution of the applicant for any violation of R.C. §2923.17.

#### **137.10. Certain handguns prohibited.**

A. For purposes of this section, "handgun" means a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of an explosive or combustible propellant, and having a barrel not exceeding 12 inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

(B) No person shall possess, sell, transfer, give, deliver, or furnish a handgun having a retail value of \$50 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled.

(C) Such handguns are hereby declared to be illegal contraband, which may be confiscated and destroyed by the Police Division.

(D) Whoever violates this section is guilty of a misdemeanor of the first degree.

#### **137.11. Use and possession of airguns and ammunition by minors.**

A. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Airgun." Any air pistol, air rifle, BB gun, pump gun, pellet gun, CO-2 gun, or similar instrument or device capable of discharging ammunition by means of air pressure or spring action.

"Ammunition." Any leaden or metallic projectile, any pellet, or any other substance capable of inflicting injuries to persons or property when used in an airgun.

B. It shall be unlawful for any person under the age of eighteen to use or have in his possession any airgun or ammunition.

C. The provisions of this section do not prohibit or render it unlawful to use or possess any airgun or ammunition for purposes of instruction in firearm safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

D. It shall be unlawful for the parent or guardian of any such person under the age of eighteen in his charge or custody to knowingly permit any such person under the age of eighteen to use or have in his possession any airgun or ammunition unless such use or possession falls within the exception of subsection C of this section.

E. Whoever violates this section shall be guilty of a misdemeanor in the third degree.

#### **137.13. Furnishing airguns or similar instruments to a minor.**

A. No individual, partnership, association, corporation, or any other entity shall sell, offer for sale, give away, distribute, or furnish any airgun or ammunition to any person under the age of eighteen years.

B. The provisions of this section do not prohibit or render it unlawful for the parent or guardian of any such person under the age of eighteen in his charge or custody to furnish such person under the age of eighteen any airgun or ammunition for purposes of instruction in firearm safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

C. Whoever violates this section is guilty of a misdemeanor in the third degree.

#### **137.15. Facsimile firearms.**

##### **A. Definitions.**

1. "Firearm" shall have the same meaning as used in §137.01 of this chapter.

2. "Replica or facsimile of a firearm" shall mean any device or object made of plastic, wood, metal or any other material which is a replica, facsimile or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine, rocket launcher or any other firearm. As used in this section, "replica or facsimile of a firearm" shall include, but is not limited to, toy guns, movie props, hobby models (either in kit form or fully assembled), starter pistols, air guns, inoperative firearms or any other device which might reasonably be perceived to be a real firearm.

B. No person shall display, market for sale or sell any replica or facsimile of a firearm in the city. The provisions of this subsection shall not apply to any replica or facsimile firearm which, because of its distinct color, exaggerated size,

or other design feature, cannot reasonably be perceived to be a real firearm.

**C.** Except in self-defense, no person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in a rude, angry or threatening manner, with the intent to frighten, vex, harass or annoy or with the intent to commit an act which is a crime under the laws of the city, state or federal government against any other person.

**D.** No person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in the presence of a law enforcement officer, fire fighter, emergency medical technician or paramedic engaged in the performance of his or her duties, when the person committing such brandishing knows or has reason to know that such law enforcement officer, fire fighter, emergency medical technician or paramedic is engaged in the performance of his or her duties.

**E. Penalties.**

**1.** Whoever violates §137.15(B) is guilty of unlawful sale of a replica firearm, a misdemeanor of the third degree.

**2.** Whoever violates §137.15(C) is guilty of brandishing a replica firearm, a misdemeanor of the first degree.

**3.** Whoever violates §137.15(D) is guilty of brandishing a replica firearm in the presence of a public safety officer, a misdemeanor of the first degree.

**F.** If any provision of this section is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity or enforceability of any other provision.

**Sale of Weapons and Firearms**

**137.20. Definitions.** For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"Firearm."** 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 which is inoperable but which can readily be rendered operable.

**"Fugitive from justice."** Any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

**"Manufacturer" or "dealer."** Any person engaged in the business of manufacturing, repairing, or selling firearms at wholesale or retail.

**137.21. Possession restricted.**

**A.** Except as permitted by law, no person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard, shall possess a firearm within the city.

**B.** No person under the age of eighteen years shall possess a pistol. The provisions of this division shall not apply to the issue of pistols to members of the armed forces of the United States, active or reserve, state militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

**C.** No person shall sell, lease, lend, or otherwise transfer a pistol to any person under eighteen years of age except as provided in subsection B.

**D.** Whoever violates this section is guilty of a misdemeanor of the first degree.

**137.22. Removal of serial numbers.**

**A.** No person shall receive, possess, sell, lease, or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

**B.** Whoever violates this section is guilty of a misdemeanor of the third degree.

**137.23. Manufacturers' and dealers' licenses.**

**A.** Application for a manufacturer's or dealer's license shall be made to the City License Clerk on forms prescribed and furnished by the city. The application shall indicate the business name of the applicant, the location where the business is to be conducted, the name and home address of the proprietor (proprietors, if a partnership) or the president and secretary, if a corporation, and such other pertinent data as may be required, and shall be accompanied by a license fee of \$50 for each business location payable to the City License Clerk. This fee which is paid at the time of application is not refundable in any case. The license shall expire annually on October 31.

**B.** Licenses issued under this chapter shall not be transferable to any other person and the business may be conducted only at the location for which the license is issued.

**137.24. Sales, transfers, and displays.**

**A.** No manufacturer or dealer, except a manufacturer or dealer having a license issued, under the provisions of this chapter, shall sell any firearm at wholesale or retail.

**B.** No person shall sell, lease, lend, or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard.

**C.** When delivered, all pistols must be securely wrapped and must be unloaded.

**D.** No dealer shall display any pistol in any part of the premises where it can readily be seen from the outside.

**E.** Whoever violates this section is guilty of a misdemeanor of the third degree.

**137.241. Trigger lock requirement for handguns.**

**A.** No manufacturer or dealer shall sell a handgun at retail unless at the time of the sale the dealer or manufacturer also sells to the purchaser of the handgun a trigger lock or other child-safety lock that is appropriate for the handgun or unless a trigger lock is an integral component of the handgun.

**B.** No person shall purchase a handgun at retail from a manufacturer or dealer unless at the time of the sale the person also purchases from the dealer a trigger lock or other child-safety lock that is appropriate for the handgun or unless a trigger lock is an integral component of the handgun.

**C.** It is an affirmative defense to a charge under this section that at the time of a sale of a handgun at retail the purchaser of the handgun demonstrated to the dealer who sold the handgun that the purchaser possessed a trigger lock or other child-safety lock that is appropriate for the handgun that was the subject of the sale.

**D.1.** Whoever violates Division (A) of this section is guilty of selling a handgun without a trigger lock or other child safety lock, a misdemeanor of the fourth degree.

**2.** Whoever violates subsection B of this section is guilty of purchasing a handgun without a trigger lock or child-safety lock, a misdemeanor of the fourth degree.

**137.25. Manufacturers' and dealers' records.**

**A.** Each licensed manufacturer or dealer shall maintain at his place of business, complete and adequate records of all firearm disposed of in the course of his business, whether manufactured by himself or acquired from other manufacturers or dealers. The records shall show and include:

**1.** The number of firearms of each type, together with a full and adequate description thereof, including the serial numbers if such weapons are numbered;

**2.** The name and address of each person from whom the firearms, if not the manufacturer's own product, were acquired and the date of acquisition; and

**3.** The disposition made of the firearms, including the name and principal address of each transferee, the address to which they are delivered and the date of disposition.

**B.** Each licensed dealer shall maintain similarly complete and adequate records at each store or place where firearms are sold, of all firearms acquired and disposed of in the course of his business at such store or place.

**C.** In addition to the records required by this section, every licensee under the provisions of this chapter shall at the time of every purchase, enter with typewritten or printed letters, in ink, on a blank form to be furnished by the Police Division, such information as may be called for by such blank form. The information shall be printed on the card by the licensee or his employee, except that the seller shall sign his name where required on the card. No entry on the card shall be erased, obliterated, altered, or defaced.

**(1)** Every licensee under the provisions of this chapter shall mail by noon of the following week-day to the Chief of Police or his authorized representative, to the address the Chief of Police or his authorized representative shall designate, the blanks furnished by the Police Division properly filled in and signed by the seller, in accordance with the provisions of this section, for all transactions of the preceding business day.

**2.** However, any licensee licensed under the provisions of this chapter for the first time must, for the first forty-five days he conducts business with the city, hand-deliver such blanks to the Chief of Police or his authorized representative, properly filled in and signed by the seller, on every weekday before the hours of 12:00 noon for all transactions of the preceding business day.

**D.** Whoever violates this section is guilty of a misdemeanor of the third degree.

**137.26. False Information.**

**A.** No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

**B.** No person shall give false information concerning the matters referred to in §137.21(A) or concerning his age or his name and address, or offer false evidence of his identity when purchasing a pistol.

**C.** Whoever violates this section is guilty of a misdemeanor of the third degree.

**137.27. Obtaining weapons by theft or fraud.**

**A.** No person shall procure or attempt to procure any firearm, regardless of dollar value, by theft, fraud, violence, or threat of violence.

**B.** Whoever violates this section is guilty of a misdemeanor of the third degree.

**137.28. Unlawful transactions.**

**A.** No person shall:

---

---

## Cincinnati Municipal Code

---

---

### Title VII. General Regulations Chapter 708. Dangerous Weapons and Firearms

**708-1. Definitions.** For purposes of this chapter, the following words in Section 708-1-A - 708-1-E shall have the following meanings.

**708-1-A. Deadly Weapon.** "Deadly weapon" shall mean any instrument, device, or thing capable of inflicting death, and designed or specifically adapted for use as a weapon, or possessed, carried, or used as a weapon.

**708-1-B. Firearm.** "Firearm" shall mean 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 which is inoperable but which can readily be rendered operable.

**708-1-C. Handgun.** "Handgun" shall mean any firearm designed to be fired while being held in one hand, or any combination of parts from which it is possible to assemble a handgun.

**708-1-D. Dangerous Weapon.** "Dangerous Weapon" shall mean any instrument, device or thing capable of inflicting death or serious physical injury and designed or specifically adapted for use as a weapon, including an air gun, BB gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, bowie knife, dirk or other device passed, carried or used as a weapon.

**708-1-E. Person.** "Person" shall mean any individual, organization, company or corporation.

**708-1-F. Retail Dealer.** "Retail dealer" means any person engaged in selling, exchanging, bartering or keeping a thing with the intention of selling, bartering, or exchanging directly it to or with a consumer.

#### **708-3. Prevention of Distribution of Weapons and Firearms to Minors.**

**(A)** No person shall knowingly and/or recklessly:

**(1)** Sell, barter, lend, provide or give to a minor under the age of 18 years a deadly weapon, dangerous weapon, firearm, or handgun.

**(2)** Sell, barter, lend, provide or give to a person under the age of 21 years a handgun.

**(3)** Furnish any firearm to a person under the age of 18 years, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a parent or legal guardian.

**(B)** No parent or legal guardian of a minor:

**(1)** Who knows such minor possesses or has been provided a deadly weapon, dangerous weapon, firearm, or handgun shall fail to remove the deadly weapon, dangerous weapon, firearm, or handgun from the minor's possession or control; or if the deadly weapon, dangerous weapon, firearm, or handgun cannot be removed without jeopardizing the safety of the parent or legal guardian fail to notify the Cincinnati Police Division that the minor possesses the deadly weapon, dangerous weapon, firearm, or handgun.

**(C)** No person shall:

**(1)** Store, control or possess any firearm within or upon any premises of which that person has an ownership interest, control or custody of, in such a manner that the person knows or should know that a minor is likely to gain

possession of the firearm, and in fact, the minor does obtain possession of the firearm.

**(2)** This provision shall not apply:

**(a)** where the minor obtains the firearm as a result of an illegal entry onto the premises; or

**(b)** where the firearm is kept in a locked container, access to which is not available to a minor; or

**(c)** the firearm is equipped with, and has in place, a locking device, the means of removal of which is not available to a minor; or

**(d)** the minor obtains the firearm in a lawful act of self-defense, or defense of a minor's home or property.

**(D)** It shall be unlawful for the owner to possess a firearm without obtaining liability insurance for the negligent use of the firearm by a minor or the negligent entrustment of the firearm to a minor and covering all potential victims of incidents committed by a minor in which the firearm is used. Proof of such liability insurance shall be required after an incident of negligent or accidental discharge in which the firearm was used by a minor has been committed.

**(E)** No minor under the age of 18 years shall:

**(1)** Buy, barter, hire, borrow, receive or possess a deadly weapon, dangerous weapon, firearm, or handgun except as otherwise provided at subsection (A)(3).

**(F)** For purposes of Section 708-3, the following words shall have the following meanings.

**(1)** "Deadly Weapon", "Dangerous Weapon", "Firearm", and "Handgun" shall have the same meaning as defined in Cincinnati Municipal Code §§709-1-A, 708-1-B, 708-1-C and 708-1-D.

**(2)** "Locked Container" shall mean a secure container which is enclosed on all sides and locked by a padlock, key lock, combination lock or similar device.

**(3)** "Locking Device" shall mean a trigger lock or similar device, which, when applied to a firearm, temporarily prevents the firearm from functioning.

**(G)** Whoever violates any provision of this chapter shall commit the offense of illegal distribution of firearms to a minor and shall be guilty of a misdemeanor of the first degree.

**708-5. Display Advertising of Weapons Prohibited.** No person shall exhibit for sale in show cases or show windows any dangerous weapon or firearm or any accessory therefor, or handgun ammunition, or display any sign, poster, carton or display card which suggests the sale of any dangerous weapon or firearm or accessory therefor, or handgun ammunition. Nothing herein shall apply to firearms having a barrel of 12 inches or more in length in establishments licensed to sell same.

**708-7. Obliterating Identification Marks Prohibited.** No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any dangerous weapon or firearm.

No person shall keep in such person's possession or under such person's control any dangerous weapon or firearm upon which the name of the maker, model, manufacturer's number or other mark of identification has been to such person's knowledge changed, altered, removed or obliterated.

**708-9. Dealers in Weapons; License Fees.** No person shall carry on the business of retail dealer in firearms, ammunition for firearms, or dangerous weapons without first obtaining a license therefor for a fee of \$457 per year; and such license may be granted by the city manager upon written application of any such retail

1. Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

2. When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to R.C. §2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of the record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

3. Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession and under his control.

**B.** Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsection (A)(1) or (2) of this section is a misdemeanor of the second degree. Violation of subsection (A)(3) of this section is a misdemeanor of the fourth degree.

#### **137.291. Access to firearms by minors.**

**A.** For the purposes of this section the term "minor" shall mean any person under the age of eighteen:

**B.** Except as provided in subsection C of this section, no person, including but not limited to a parent or legal guardian, shall store or leave a loaded or unloaded firearm in any place where the person knows, or reasonably should know based on the totality of the circumstances, that a minor is able to gain access to it.

**C.** Subsection B of this section shall not apply when:

1. A minor's access to a firearm is under the supervision or control of a responsible adult for purposes of lawful hunting or instruction in firearms safety, care, handling or marksmanship;

2. A minor has access to a firearm as a result of an unlawful entry into the place in which the firearm was found;

3. A minor obtains a firearm in a lawful act of self-defense or defense of another person or persons within a domicile;

4. A minor who, without permission of the lawful possessor of a firearm, obtains the firearm from the possessor's body.

5. A firearm is in a locked gun cabinet or similar locked location, or is secured with a trigger lock or other similar device which prevents the firearm from discharging ammunition.

**D.** Any person who violates subsection B of this section shall be guilty of a misdemeanor of the second degree.

[City of Akron Code current through Ord. 668-2004 passed Dec. 13, 2004]

dealer. For a retail dealer only in shotguns and rifles of regulation size only, manufactured for hunting and sporting purposes only, and ammunition therefor, the annual license fee shall be the sum of \$24. The application shall set forth the place of business of the applicant, the nature of the business, the names of all the partners, if a partnership, and the names of all officers, if a corporation. The city manager may authorize the city treasurer to issue a license to the applicant if the city manager is satisfied that the applicant is of good repute in the conduct of such business and that the conduct of such business will not be detrimental to the public safety and welfare.

The city manager may suspend or, after hearing, revoke a dealer's license whenever the city manager finds that the holder thereof has failed to comply with any of the provisions of this chapter. Upon suspending or revoking any such license, the city manager shall require the holder thereof to surrender immediately all licenses issued to such holder and the holder shall surrender promptly all such licenses required. Whenever the city manager suspends a dealer's license, the holder shall be notified immediately and afforded a hearing if no hearing has already been afforded and one is desired. After such hearing, the city manager shall either rescind the order of suspension or upon good cause appearing therefor shall continue the suspension or revoke the license.

**708-11. Restriction on Pawnbrokers.** A dealer licensed under the provisions of Section 708-9 who carries on the business of pawnbroker or secondhand dealer shall not sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

**708-13. Form of Application to Transfer Firearms.** The city manager shall prescribe a form of application covering the purchase or transfer of firearms. Such form shall provide for the recording of the following facts:

(a) The name, address, and date of birth appearing on a state driver's license or state personal identification card of the transferee that is valid on its face and contains a photograph of the transferee, and a description of the identification card used;

(b) If the transferee is not personally known to the transferor, the name and address of the person by whom the transferee is identified;

(c) The purpose for which the transferee desires to use the firearm;

(d) An accurate description of the firearm, including the name of the manufacturer, model, caliber, and serial number;

(e) A description of the transferee, which shall include height, weight, age, color of hair, color of eyes, all visible marks and scars on face and hands, any deformity, nationality, and race.

There shall be printed on the face or the back of the application such extracts from the city ordinances and from the laws of the state of Ohio, including penalty provisions, as the city manager may deem desirable.

The city manager shall furnish sets of such application blanks through the chief of police.

**708-15. Restriction on Transfer of Firearms.** No person shall transfer ownership of a firearm to any transferee unless such person has first verified the identity of the transferee by personally reviewing the transferee's valid driver's license and has required the transferee to fill out in full and sign an application blank as provided for in Section 708-13. No person shall transfer such firearm to any transferee with whom the transferor is not personally acquainted

unless such transferee is identified by a person who is personally known to the transferor.

The transferor shall mail the original of each application to the chief of police. One copy shall be delivered to the transferee and one preserved by the transferor. The transferor's copies of used application blanks, and all unused application blanks, shall be kept by the transferor so as to be open for inspection by city police officers at all times.

The provisions of this section and of Sections 708-13 and 708-33 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over 12 inches in length.

**708-17. Sale of Handgun Ammunition.** No person shall sell handgun ammunition to any purchaser with whom the seller is not personally acquainted unless such purchaser is identified by a person with whom the seller is personally acquainted.

**708-19. False Statements in Application.** No person shall give any false information or make any false statements in any application or identification document or in any record or report provided for in Section 708-9 or 708-13.

**708-21. Gunpowder Magazines and Vendor's License Fees.** All vendors of gunpowder shall pay a license fee of \$122 per year. All keepers or owners of gunpowder magazines shall pay a license fee of \$696 per year.

**708-29. Confiscation of Firearms.** When any police officer shall discover any person in the act of violating any provision of Section 708-27 or 708-33, it shall be his duty to seize the firearms or cannon so unlawfully used, and to cause the arrest of such person. Upon conviction of the person so arrested, the chief of police shall order the firearms or cannon so seized destroyed.

**708-31. Ammunition, Sale to Minor.** No person shall sell to a minor any cap or other explosive device used in the discharge of toy pistols and torpedo canes, or any blank cartridge, whether for use in handguns, revolvers or cannons.

**708-33. Waiting Period for Transfer of Firearms.** Any person desiring to purchase, rent, lease or transfer ownership of a firearm from another person shall make application on forms as provided for in Section 708-13, to be distributed by the chief of police, which shall be signed by the applicant and a copy forwarded by certified mail to the chief of police by the transferor.

The chief of police shall cause a postal card to be mailed to the transferor on the same day the application is received in his office stating the time and date the application was received.

Unless the chief of police to whom the application is sent determines that a transaction would violate federal, state, or municipal code, the application shall be destroyed within 60 days after the date the application was received by the police division.

No person shall knowingly sell, deliver, rent, lease or transfer ownership and/or possession of a firearm to any person who is not otherwise prohibited by law from acquiring or possessing a firearm, until 15 consecutive days have elapsed from the time the application is received by the chief of police.

This section does not apply to the sale, delivery or transfer of a firearm, in accordance with applicable law or rule, to any law enforcement officer or to any officer, agent, or employee of this or any other state or the United States if the acquisition or possession of a firearm is within the scope of his official duties.

Whoever violates any part of this section is guilty of a misdemeanor of the first degree.

### **708-35. Retail Sales of Firearms, Location Restrictions.**

(a) No person shall sell firearms, guns, ammunition, hunting knives or other dangerous weapons at any retail establishment within 1,000 feet of the boundary of a parcel of real estate upon which a school is located.

As used herein the word "school" means an accredited public or private educational institution for one or more of the grades kindergarten through the twelfth grade.

(b) The Safety Director may issue a permit for the sale of sporting firearms and ammunition therefor by an otherwise eligible permanent retail establishment contrary to (a), above. Permits will be good for a seventy-two (72) hour period and no more than one permit per month will be issued to any particular retail establishment. Such a permit may be issued only upon a determination by the Safety Director that all of the following requirements have been met:

(1) the sporting firearms displayed and offered for sale pursuant to this section shall be strictly limited to shotguns and rifles primarily suitable for hunting or target shooting purposes;

(2) sale of ammunition shall be strictly limited to that ammunition suitable only for those sporting firearms authorized for display or sale pursuant to (b)(1) above;

(3) no more than 20 sporting firearms may be kept, displayed or offered for sale on the premises at any one time nor shall any such firearms be actually sold at a price of less than two thousand dollars (\$2,000.00) each;

(4) such sporting firearms shall not be exposed to public view from outside the permit premises and must be kept in a separately secured area on the premises continuously monitored by a security system approved by the Safety Director; and

(5) ammunition shall be secured on the premises separately from any firearms.

Compliance with the foregoing requirements shall be monitored by the Safety Director through periodic, on-site inspections. Said permit shall be revoked for noncompliance.

### **708-37. Possession or Sale of Semiautomatic Firearms Prohibited.**

(a) No person shall sell, deliver, rent, lease, offer, or display for sale, or transfer ownership of, acquire or possess a semiautomatic firearm.

(b) No person shall sell, deliver, rent, lease, offer or display for sale, or transfer ownership of, acquire or possess any detachable magazine with the following capacities:

(1) More than ten rifle or carbine rounds;

(2) More than five shotgun rounds;

(3) More than 15 handgun rounds.

This section does not apply to any detachable magazine purchased or acquired for use with semiautomatic firearms registered pursuant to division (e)(3) of this section.

(c) No person shall sell, deliver, rent, lease, offer or display for sale, or transfer ownership of, acquire or possess any extension tube, drum, cylinder, or magazine capable of increasing the capacity of a fixed or detachable magazine.

(d) This section does not apply to law enforcement officers, agents, or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, if the acquisition or possession of a semiautomatic firearm is authorized and within the scope of his official duties.

(e) Any person who is legally in possession of a semiautomatic firearm that was legally pur-

chased or acquired before April 1, 1989, shall within 30 days from the effective date hereof:

(1) Remove said semiautomatic firearm from within the city limits of Cincinnati; or

(2) Modify said semiautomatic firearm to either render it permanently inoperable or to permanently make it a device no longer defined as a semiautomatic firearm; or

(3) Register the firearm with the chief of police pursuant to such procedures as the city manager may establish. The registration shall contain a description of the firearm including all identification marks, the full name, address, date of birth and such other information as the city manager may deem appropriate. The information will be provided on forms prescribed by the city manager. Any change of address of the owner must be registered with the chief of police within 14 days of the change.

The city manager may establish a fee for registration not to exceed the actual processing costs of the city.

(f) No semiautomatic firearm possessed pursuant to division (e)(3) above may be sold or transferred after the effective date of this section to anyone within the city of Cincinnati.

(g) Any person who obtains title to a semiautomatic firearm by bequest or intestate succession must within 90 days comply with the requirements of division (e) of this section.

(h) The term "semiautomatic" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge and ready to fire, with a single function of the trigger.

(i) For the purpose of this section, "semiautomatic firearm" shall have the following meanings:

(1) Any semiautomatic rifle or carbine that was originally designed with or has a fixed magazine or detachable magazine with a capacity of more than ten rounds;

(2) Any semiautomatic shotgun that was originally designed with or has a fixed magazine or detachable magazine with a capacity of more than five rounds;

(3) Any semiautomatic handgun that was originally designed with or has a fixed magazine or detachable magazine with a capacity of more than 15 rounds;

(4) Any semiautomatic handgun that is a modification of a rifle, carbine, or shotgun as described in (1) and (2) above;

(5) Any firearm which may be readily restored to an operable semiautomatic firearm, as defined in (1) through (4) above;

(6) Any part, or combination of parts, designed or intended to convert a weapon into a semiautomatic firearm, as defined in (1) through (4) above or any combination of parts from which a semiautomatic firearm may be readily assembled.

(j) Rifles or carbines which fire .22 caliber rim-fire ammunition and have fixed, tubular magazines are exempt from this section.

Any person who violates any provision of this section guilty of a misdemeanor of the first degree.

#### **708-39. Dangerous Weapons on School Property.**

(a) No person shall knowingly possess, carry or use a deadly or dangerous weapon, dangerous ordnance or ammunition in a school building, on any school property or other facility used for school purposes or a school-sponsored activity.

(b) This section does not apply to officers, agents, or employees of this or any other state

or the United States, or to law enforcement officers, authorized to carry firearms and acting within the scope of their duties.

(c) Whoever violates this section is guilty of having a weapon while on school property, a misdemeanor of the first degree.

(d) As used herein the word "school" shall mean an accredited public or private educational institution for one or more of the grades kindergarten through the twelfth grade.

**708-99. Penalties.** Violations of the provisions of this chapter shall be punishable as set forth in the sections hereunder and other applicable penalty sections of this code.

**708-99-A. Violation of Section 708-3, 708-5, 708-7, 708-9, 708-11, 708-15, 708-17, 708-19, 708-27, 708-33, or 708-35.** Whoever violates any provision of Section 708-3, 708-5, 708-7, 708-9, 708-11, 708-15, 708-17, 708-19, 708-27, 708-33, or 708-35 shall be fined not more than \$1,000, or imprisoned not more than six months, or both.

**708-99-B. Violation of Section 708-31.** Whoever violates any provision of Section 708-31 shall be fined not more than \$250, or imprisoned not more than 30 days, or both.

**[Cincinnati Municipal Code current through Emergency Ord. 53-2005 effective Feb. 17, 2005]**

---

## **Codified Ordinances of Cleveland**

---

### **Part Six. Offenses and Business Activities Code**

#### **Title I. General Offenses**

##### **Chapter 627. Weapons and Explosives**

**627.01. Definitions.** As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b)(1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant or by pump action or by compressed gas. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a

shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as a firearm;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(k) "Dangerous ordnance" means any of the following, except as provided in division (l) of this section:

(1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;

(5) Any firearm muffler or silencer;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(l) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (l)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

#### **627.02. Carrying Concealed Weapons.**

(a) No person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon.

(b) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance, and acting within the scope of their duties.

(c) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor or a member of his family, or upon the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of division (c) of Section 627.04.

(d) This section shall not apply if:

(1) The offender has previously been convicted of a violation of this section or of any offense of violence as defined in Section 601.01 or RC 2909.01;

(2) The weapon involved is a firearm which is either loaded or for which the offender has ammunition ready at hand;

(3) The weapon involved is dangerous ordnance;

(4) The weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303 of the Revised Code;

(5) The offense is committed aboard an aircraft, or with purpose to carry a concealed

weapon aboard an aircraft, regardless of the weapon involved;

(e) Notwithstanding the provisions of division (a) of Section 601.99, whoever violates this section is guilty of carrying concealed weapons, a misdemeanor, and shall be fined one thousand dollars (\$1,000) and imprisoned for six months.

No part of this sentence shall, in any case, be suspended or otherwise reduced except that any person convicted under this section, if he is at the time of such conviction shown to be gainfully employed, shall be released each day from the workhouse or other place of incarceration, to go to work, and shall at the conclusion of each such working day, during the term of his sentence, promptly return to the workhouse or place of incarceration until his sentence has been served.

#### **627.03. Using Weapons While Intoxicated.**

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Notwithstanding the provisions of Sections 601.13 and 601.99(a), whoever violates this section is guilty of using weapons while intoxicated, and shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

#### **627.04 Improperly Handling Firearms in a Motor Vehicle.**

(a) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(b) No person shall knowingly transport or have a loaded firearm in a motor vehicle, in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(c) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

(1) In a closed package, box or case;

(2) In a compartment which can be reached only by leaving the vehicle;

(3) In plain sight and secured in a rack or holder made for the purpose;

(4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(d) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers authorized to carry or have loaded or accessible firearms in motor vehicles, and acting within the scope of their duties.

(e) The affirmative defenses contained in Section 627.02(c)(1) and (2) are affirmative defenses to a charge under subsection (b) or (c) hereof.

(f) Notwithstanding the provisions of Sections 601.13 or 601.99(a), whoever violates this section is guilty of improperly handling firearms in a motor vehicle, and shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

(g) As used in this section, "unloaded" means, with respect to a firearm employing a percussion cap, flintlock or other obsolete ignition system, when the weapon is uncapped, or when the priming charge is removed from the pan.

#### **627.05. Failure to Secure Dangerous Ordnance.**

(a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.

#### **627.08. Possession of Firearms by Minors.**

(a) No minor shall purchase, own, possess, receive, have on or about his person or use any firearm except pursuant to Section 627.07(a)(3).

(b) A juvenile who violates this section shall be adjudged an unruly child, with such disposition of the case as may be appropriate under RC Chapter 2151.

#### **627.09. Possessing Deadly Weapons on Public Property.**

(a) No person shall knowingly have in his possession or ready at hand any deadly weapon while on public property or in a public building.

(b) For the purpose of this section, public property and public buildings shall include, but not be limited to parks, playgrounds, beaches, marinas, courthouses, auditoriums, stadiums, office buildings, jails, storage areas and yards, greenhouses, plants and works and any other property, building or structure owned, leased or rented by a governmental unit, to schools, colleges, and other learning institutions, whether public, private or parochial, and to churches, synagogues and other places of worship.

(c) This section does not apply to officers, agents or employees of this or any other state or the United States, to law enforcement officers authorized to carry or possess deadly weapons or to persons with private or special police commissions, and acting within the scope of their duties, or if the deadly weapon was part of a public weapons display, show or exhibition or was in the possession of a person participating in an organized match, competition or practice session on public property, or in a public building.

(d) Notwithstanding the provisions of Sections 601.13 and 601.99(a), whoever violates this section is guilty of possessing deadly weapons on public property, and shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

#### **627.11. Seizure and Confiscation of Deadly Weapons.**

(a) In any situation where a deadly weapon is present and a person has been drinking or disturbing the peace, threatening bodily harm or causing or threatening a disturbance or violence, and there is reasonable cause for the investigating police officer to believe that such deadly weapon may be used to cause bodily harm, such deadly weapon may be seized by the police and kept in the custody of the Chief of Police until released by an order of a court of competent jurisdiction.

(b) Any deadly weapon seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any of the provisions of this chapter, or any felony or misdemeanor involving the use of a deadly weapon or the use of force or violence or the threat of the use of force or violence against the person of

another, shall be confiscated by the Division of Police for disposal. However, any deadly weapon seized which has been reported stolen shall be returned to the owner thereof, unless possession by the owner would constitute a violation of any provision of these Codified Ordinances or of State or Federal law.

#### **627.16. Unlawful Display of Weapons.**

(a) No person, firm or corporation shall exhibit for sale in showcases or show windows any revolvers, daggers, stilettoes, brass or iron knuckles and billies, or display any signs, posters, cartoons or display cards, suggesting the sale of such weapons.

(b) Whoever violates this section is guilty of unlawful display of weapons, a misdemeanor of the first degree.

#### **627.23. Facsimile Firearms.**

(a)(1) "Firearm" shall have the same meaning as used in Section 627.01(b) of this Chapter.

(2) "Replica or facsimile of a firearm" shall mean any device or object made of plastic, wood, metal or any other material which is a replica, facsimile or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher or any other firearm. As used in this section, "replica or facsimile of a firearm" shall include, but is not limited to, toy guns, movie props, hobby models (either in kit form or fully assembled), starter pistols, air guns, inoperative firearms or any other device which might reasonably be perceived to be a real firearm.

(b) No person shall display, market for sale or sell any replica or facsimile of a firearm in the City. The provisions of this subsection shall not apply to any replica or facsimile firearm which, because of its distinct color, exaggerated size, or other design feature, cannot reasonably be perceived to be a real firearm.

(c) Except in self-defense, no person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in a rude, angry or threatening manner, with the intent to frighten, vex, harass or annoy or with the intent to commit an act which is a crime under the laws of the City, State or Federal government against any other person.

(d) No person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in the presence of a law enforcement officer, fire fighter, emergency medical technician or paramedic engaged in the performance of his or her duties, when the person committing such brandishing knows or has reason to know that such law enforcement officer, fire fighter, emergency medical technician or paramedic is engaged in the performance of his or her duties.

(e)(1) Whoever violates Section 627.23(b) is guilty of unlawful sale of a replica firearm, a misdemeanor of the third degree.

(2) Whoever violates Section 627.23(c) is guilty of brandishing a replica firearm, a misdemeanor of the first degree.

(3) Whoever violates Section 627.23(d) is guilty of brandishing a replica firearm in the presence of a public safety officer, a misdemeanor of the first degree.

### **Chapter 627A. Possession of Firearms by Children**

**627A.01. Definitions.** For purposes of this chapter:

(a) "Firearms" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.

(b) "Ammunition" means any ammunition cartridge, shell or other device containing explosive or incendiary material and designed and intended for use in any firearm.

(c) "Child" means any person under the age of eighteen (18) years, and includes any person between the ages of eighteen (18) and twenty-one (21) years who is of sufficient mental incompetence as to have had a legal guardian appointed by the Probate Court.

#### **627A.02. Access to Firearms.**

(a) Except as provided in division (b) of this section, no person, including but not limited to a parent or legal guardian, shall store or leave a loaded or unloaded firearm in any place where the person knows, or reasonably should know based on the totality of the circumstances, that a child is able to gain access to it.

(b) Division (a) of this section shall not apply when:

(1) A child's access to a firearm is under the supervision or control of a responsible adult for purposes of lawful hunting or instruction in firearms safety, care, handling, or marksmanship;

(2) A child has access to a firearm as a result of an unlawful entry into the place in which the firearm was found;

(3) A child obtains a firearm in a lawful act of self-defense or defense of another person or persons within a domicile;

(4) A child who, without permission of the lawful possessor of a firearm, obtains the firearm from the possessor's body.

#### **627A.03. Responsibility of Firearms Dealer.**

(a) When selling any firearm, a licensed firearms dealer shall offer to sell or give the purchaser a trigger lock or similar device which prevents the firearm from discharging.

(b) At every purchase counter in every store, shop or sales outlet, licensed firearms dealers shall conspicuously post the following warning in block letters not less than one inch (1") in height: "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM WHERE CHILDREN CAN OBTAIN ACCESS." The same warning shall be distributed to each firearm purchaser at the time of the sale of a firearm.

#### **627A.99. Penalties.**

(a) Whoever violates the provisions of Section 627A.02 shall be guilty of a misdemeanor of the first degree.

(b) Any person who violates the provisions of Section 627A.03 shall upon conviction be fined not more than \$500.

### **Chapter 628. Possession or Sale of Assault Weapons Prohibited**

**628.02. Definitions.** For the purpose of this chapter:

(a) "Assault weapon" means:

(1) any semiautomatic action, center fire rifle or carbine that accepts a detachable magazine with a capacity of 20 rounds or more;

(2) any semiautomatic shotgun with a magazine capacity of more than six rounds;

(3) any semi-automatic handgun that is:

A. a modification of a rifle described in division (a) (1), or a modification of an automatic firearm; or

B. originally designed to accept a detachable magazine with a capacity of more than 20 rounds.

(4) any firearm which may be restored to an operable assault weapon as defined in divisions (a) (1), (a) (2) or (a) (3).

(5) any part, or combination of parts, designed or intended to convert a firearm into an assault weapon as defined in divisions (a) (1), (a) (2) or (a) (3), or any combination of parts from which an assault weapon as defined in divisions (a) (1), (a) (2) or (a) (3), may be readily assembled if those parts are in the possession or under the control of the same person.

(b) Assault weapon does not include any of the following:

(1) any firearm that uses .22 caliber rimfire ammunition with a detachable magazine with a capacity of 30 rounds or less.

(2) any assault weapon which has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(c) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

(d) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(e) "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 which is inoperable but which can readily be rendered operable.

(f) "Handgun" means any firearm designed to be fired while being held in one hand.

(g) "Person" means any individual, corporation, company, association, firm, partnership, club or society, including wholesale and retail gun dealers.

(h) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(i) "Semiautomatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(j) "Shotgun" means a firearm, whether or not it is intended to be fired from the shoulder, that is designed or redesigned, made or remade, to fire a fixed shotgun shell.

#### **628.03. Unlawful Conduct.**

(a) No person shall sell, offer or display for sale, give, lend or transfer ownership of, acquire or possess any assault weapon.

(b) This section shall not apply to any officer, agent, or employee of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers as defined in division (k) of Section 601.01, to the extent that any such person is authorized to acquire or possess an assault weapon and is acting within the scope of his duties. Further, this section shall not apply to the transportation of firearms through the City of Cleveland in accordance with federal law.

**628.04. Seizure and Destruction of Assault Weapons.** Any assault weapon is hereby declared to be contraband and shall be seized and disposed of in accordance with RC 2933.43.

**628.99. Penalty.** Whoever violates Section 628.03 is guilty of unlawful possession of an assault weapon, and shall be sentenced to six months imprisonment and fined one thousand

dollars (\$1,000.00) and no part of said sentence shall be reduced in any manner.

## Title VII. Business Regulation

### Chapter 674. Handgun Possession and Sale

#### 674.01. Definitions. As used in this chapter:

(a) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable handguns which cannot be rendered operable, curios, relics or antique handguns as presently or hereafter defined in Title 27, Part 178 of the Code of Federal Regulations, Commerce in Firearms.

(b) "Dealer" means any person, firm or corporation engaged in the business of selling or trading handguns at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(c) "Resident" means any person who has a place of residence within the limits of the City of Cleveland.

(d) "Nonresident" means any person who does not have a place of residence within the limits of the City of Cleveland.

(e) "Identification card" means a handgun owner's identification card issued pursuant to Section 674.04.

(f) "Registration card" means a handgun registration card issued pursuant to Section 674.05.

#### 674.02. General Prohibitions.

(a) No person shall sell, purchase, own, possess, transfer, give, deliver, receive or have on or about his person or use any handgun which does not contain an engraved serial number or other numerical identification. However, this prohibition shall not apply to any person who is in possession of such handgun on the effective date of this section, and who within a period of thirty days thereafter presents such handgun to the Division of Police, which shall inscribe thereon a serial number pursuant to law.

(b) No person shall receive or possess any handgun unless such person has an identification card issued to him and in effect, and a registration card for each such handgun, except to the extent that he is exempt pursuant to Section 674.06 from such requirement.

(c) No person shall have on or about his person or use any handgun unless such person has in his possession an identification card issued to him and in effect, and a registration card for each such handgun, except to the extent that he is exempt pursuant to Section 674.06 from such requirement.

(d) No person shall deliver, transfer or furnish any handgun to any person unless the transferee exhibits at the time of transfer an identification card valid on its face and issued to the transferee, and a registration card for each such handgun, except to the extent that he is exempt pursuant to Section 674.06 from such requirement.

(e) No person shall use or attempt to use his handgun owner's identification card to obtain any handgun for any person who does not have a handgun owner's identification card issued to him and in effect pursuant to this chapter. No person shall knowingly permit his identification card to be used by another to purchase, own,

possess, receive, have on or about the person or use any handgun or handgun ammunition.

**674.03. Handguns Confiscated.** Any handgun which any person owns or possesses in violation of any of the provisions of this chapter shall, upon conviction of such person, be confiscated and destroyed by the Division of Police, except that any such handgun which has been reported stolen pursuant to Section 674.10 shall be returned to the owner thereof unless possession thereof by the owner would constitute a violation of any provision contained in this chapter.

#### 674.04. Handgun Owner's Identification Card; Application; Prohibitions.

(a) Application for an identification card shall be made in writing, and shall be accompanied by an application fee of fifteen dollars (\$15.00) which shall be paid into the treasury of the City, with a separate accounting made for it. If it does not appear upon investigation that the applicant is prohibited by this section from being issued an identification card, the Chief of Police shall issue an identification card to the applicant no sooner than seven (7) days and no more than sixty (60) days after the date of application.

For purposes of procuring an identification card, any and all forms and applications required shall be available, and may be filled out at the Central Police Station or any district police station.

(b) All handgun identification cards issued under this section shall be entitled "City of Cleveland, Ohio, Handgun Owner's Identification Card," be serially numbered according to a system devised by the Chief of Police; bear the date of issue, the date of expiration, the name of the Chief of Police, and the applicant's name, home address, birth date, physical description, and full face photograph; and shall be signed by the holder. A copy of each identification card shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief and shall be confidential and shall not be deemed a public record nor be disclosed to unauthorized persons.

(c) An identification card shall expire three (3) years after the birthday of the applicant that follows the date of issuance.

(d) An identification card shall not be issued to:

(1) A person now or subsequent prohibited by Section 2923.13 of the Revised Code from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance;

(2) A person under twenty-one (21) years of age;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one conviction of being drunk and disorderly or driving a motor vehicle while intoxicated, either of which occurs within one (1) year before the date of application;

(5) Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within two (2) years before the application for the identification card.

(e) No person shall knowingly give any false information in making application for an identification card, and no person shall use or attempt to use an identification card to purchase, own, possess, receive, have on or about his person, or use any handgun, knowing the identification card belongs to another, or knowing it was obtained by means of false information, or when it

is void by reason of the holder becoming a member of the class of persons prohibited by division (d) of this section from being issued an identification card.

(f) A possessor of an identification card shall become ineligible to possess such a card if he becomes one of that class of persons to whom an identification card cannot be issued under division (d) of this section, then that person shall immediately forfeit the card and return it to the Chief of Police. Any and all handguns owned by that person or in their possession shall be confiscated and disposed of by the Division of Police as provided in Section 674.03.

#### 674.05. Registration of Handguns; Application; Fee.

(a) Application for a handgun registration card shall be made in writing by the person claiming to be the owner of the handgun to be registered at any office where identification cards may be issued under Section 674.04. The application shall be accompanied by an application fee of two dollars (\$2.00) for each handgun to be registered, which shall be paid into the Treasury of the City, with separate accounting made for it. When satisfied that the applicant holds a valid identification card and is not in that class of persons prohibited from holding the same, a registration card shall be issued to the applicant no sooner than three (3) days and no more than sixty (60) days after the date of application.

(b) All registration cards issued under this section shall be entitled "City of Cleveland, Ohio, Handgun Registration Card," be serially numbered according to a system devised by the Chief of Police; bear date of issue, the name of the Chief of Police, the applicant's name, home address, identification card number, the signature of the applicant; and contain the name, type, caliber, and serial number of the handgun. A copy of each registration card shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief and shall not be deemed a public record nor be disclosed to unauthorized persons.

(c) Any person who sells or otherwise transfers possession of a registered handgun shall, within five days of the date of transfer of possession of the handgun, surrender the registration card for the handgun with the name, address, or social security number, and identification card number, if required by law, of the buyer endorsed on it, to any office where identification cards are issued, and obtain a receipt for it. The office receiving the same shall immediately cancel the registration card.

#### 674.06. Exemptions.

(a) The following shall be exempt from the provisions of this chapter:

(1) Any state of the United States, the United States or any political subdivision, department or agency of either;

(2) An officer or agent of any state of the United States, or any agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political subdivision, but only to the extent that his official duties require him to purchase, own, possess, receive, carry or use handguns and not for the personal use of such individual.

(b) The requirements of an identification card and registration card contained in Sections 674.04 and 674.05 shall not apply to:

(1) A holder of a dealer's license issued pursuant to Section 674.07.



(2) A nonresident of the City who holds and exhibits upon request a valid permit, authorization or identification issued by the chief of police or the sheriff of his place of residence, to purchase, own, possess, receive, carry or use any handgun. It is provided further that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition.

(3) A new resident of the City, during a period not exceeding thirty days after he becomes a resident. However, such person shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of his former domicile to own, possess, receive or have on or about the person any handgun, or proof of former residence in a jurisdiction which does not require the same.

(4) An executor, administrator, guardian, receiver, trustee in bankruptcy, or other fiduciary duly qualified and appointed by a court of competent jurisdiction, when acting in his fiduciary capacity, and an attorney for such a person, when such handgun constitutes property of the estate or trust, but not for the personal use by such individual.

(5) The next of kin or legatee of a decedent acquiring a handgun through distribution of an estate, during a period not exceeding thirty days from the date of his coming into possession thereof, but in any event not more than fifteen days after the appointment of an executor, administrator or other fiduciary.

(6) Carriers, warehousemen and others engaged in the business of transportation and/or storage and their employees, to the extent that the possession, receipt or having on or about the person of any handgun is in the ordinary course of business and in conformity with State or Federal laws, but not for the personal use of any such person.

(7) A person owning or possessing any handgun on February 9, 1976, who files an application for an identification card during a period not to exceed 100 days from such date, until such application is granted or denied. During any 100-day period, any person required to register a handgun shall cause the handgun to be brought, unloaded and securely wrapped, to the Central Police Station or to a district police station for verification of its type, caliber and serial number.

(8) A Federally licensed manufacturer of handguns.

#### **674.07. Handgun Dealer's License; Fee.**

(a) Every dealer in the City shall procure a license to engage in such business. Any dealer engaged in such business at more than one location in the City shall procure a separate license for each such location.

Application for a dealer's license shall be made in writing at the office of the Chief of Police and shall be accompanied by an application fee of one hundred dollars (\$100.00), which shall be paid into the City treasury, with a separate accounting made therefor. If it appears upon investigation that the applicant holds a Federal dealer's license, the Chief of Police shall issue a dealer's license to the applicant within not less than seven days nor more than sixty days from the date of application. A copy of each dealer's license shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief.

(b) A dealer's license shall remain in effect for one year or until such time as it is revoked, surrendered or the dealer discontinues business as a dealer. Licenses issued pursuant to the provisions of this section are not transferable.

(c) Notwithstanding the provisions of division (a) hereof, no dealer's license shall be issued to any applicant whose dealer's license has been revoked, nor to any applicant who has been convicted of a violation of any provision of this chapter, until the expiration of five years from the effective date of such revocation or five years from the date of conviction. The license issued pursuant to this section shall be prominently displayed by every dealer at his place of business.

(d) The issuance of a dealer's license shall be restricted to locations within a general retail district or a semi-industrial district. Further, a dealer's license shall not be issued to an applicant whose location is within 1,000 feet of a school, church, day care center, liquor establishment or another handgun dealer.

(e) Ninety days after February 9, 1976, no person, firm or corporation shall engage in business as a dealer in the City without a dealer's license. Each day of continuing violation of this section shall be deemed a separate offense.

(f) No dealer, or any agent or employee of a dealer, shall fail to comply with this section or knowingly cause any false information to be entered on a record of purchase or sale of any handgun. No purchaser of any handgun shall give any false information for entry on such record of sale.

#### **674.08. License Revocation.**

(a) When any licensed dealer has been convicted of a violation of any of the provisions of this chapter, the Chief of Police shall revoke the license of such dealer. A certified copy of the order of revocation shall be sent forthwith to the dealer, who may appeal such order or revocation to the Director of Public Safety within ten days from the receipt of the order. The Director of Public Safety shall conduct a hearing upon such appeal within ten days from the receipt of a written notice of appeal from such order or revocation.

(b) No dealer shall employ, or enter into any partnership or corporation with any person, firm or corporation whose dealer's license has been revoked.

#### **674.09. Handgun Dealer's Records.**

(a) Every dealer shall maintain records of the purchase and sale of handguns. Such records shall be maintained on forms prescribed by the Chief of Police; contain the name of the dealer; and identify each handgun by manufacturer, model number or name, type, caliber and serial number. If such weapon is other than a standard model, or has been modified and improved, the record of sale shall give a brief description of the weapon including such information as may be necessary to identify it.

(b) The record of purchase shall also contain the name of the person from whom each handgun was purchased and the serial number of the seller's identification card, if any, and the serial number of the registration card of each handgun, if any.

(c) The record of sales shall also contain the place and date of the sale; the name, address, age and Social Security number of the purchaser; the serial number of the identification card of the purchaser, if any, or if the purchaser is a nonresident of Cleveland who is exempt from the requirement of an identification card pursuant to Section 674.06(b)(2), then such information as is contained in a valid and effective per-

mit, authorization or identification issued at the purchaser's place of residence. The record of the sale shall also include the serial number of the registration card issued to the purchaser with respect to the handgun purchased. In the case of a sale from one dealer to another, the license number of the dealer shall be recorded instead of the serial numbers of the identification card and registration card. The record of any sale required to be made under this section shall be turned over to the Chief within twenty-four hours of the sale.

(d) The Chief shall keep permanent records of all sales and transfers of handguns as required in this chapter, together with all copies of and applications for identification cards and registration cards. Such records shall be kept in such manner as to record all of the handguns in the ownership and/or possession of all persons who have been issued an identification card or registration card. Such records shall not be deemed public records and shall not be disclosed to unauthorized persons.

#### **674.10. Stolen or Lost Handguns; Reports.**

Whenever any handgun is stolen or lost, the person losing possession thereof shall, immediately upon discovery of such theft or loss, make a report thereof to the Chief of Police showing the following:

(a) Name, address and Social Security number of the person owning or having possession of such handgun;

(b) Kind of handgun;

(c) Serial number of handgun;

(d) Model;

(e) Caliber;

(f) Manufacturer of handgun;

(g) Handgun registration card number, if any;

(h) Date and place of theft or loss;

(i) A complete statement of the facts and circumstances surrounding such theft or loss.

#### **674.11. Construction and Interpretation.**

Wherever possible the provisions of this chapter shall not be deemed to be in conflict with the provisions of Chapter 627, but wherever possible shall be construed so as to give effect to both chapters. However, when a provision of this chapter conflicts or duplicates a provision of Chapter 627, the more restrictive provision and/or penalties shall control and govern.

**674.99. Penalty.** Whoever violates any of the provisions of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000), or imprisoned not more than twelve months, or both. Each day such violation is continued or permitted to continue constitutes a separate offense.

**[Codified Ordinances of Cleveland current through June 30, 2004]**

## **Columbus City Codes**

### **Title 5. Business Regulation and Licensing Code**

#### **Article V. Businesses Chapter 545. Weapons Sales**

##### **545.01. Definitions.**

(a) "Weapon" means any instrument, device or thing, capable of inflicting death, and designed or specifically adapted for use as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combust-

ible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Section" means License Section, Department of Public Safety, and is further defined in Sections 501.02 and 501.03, C.C.C.

(d) "Law enforcement officer" means any of the following:

(1) A sheriff, deputy sheriff, constable, marshal, deputy marshal, municipal police officer, or State highway patrolman;

(2) An officer, agent, or employee of the State or Federal government, or any of their agencies, instrumentalities or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred.

(e) "Antique firearm" means any firearm manufactured prior to 1898.

(f) "Curio or collectible firearm" means any firearm manufactured fifty (50) or more years ago.

#### **545.02. Weapon dealer license required.**

(a) No person shall engage in the business of dealing weapons as defined in Section 545.01 (a), Columbus City Code (C.C.C.) without first procuring from the License section, hereafter known as the Section, a weapon dealer license.

(b) A weapon dealer that deals exclusively in transactions involving firearms that are antiques, curios or collectibles is exempt from the requirement to obtain a weapon dealer license.

#### **545.03. Weapon dealer license application; license term; fee.**

(a) Application for a weapon dealer license shall be made on forms provided by the Section, shall be made under oath and shall provide the following information and material:

(1) Full name, residence address, residence telephone number, date of birth, sex, race and social security number of applicant;

(2) Business name (D.B.A.), address, telephone number if different from above;

(3) If dealing in firearms, a copy of federal firearm license shall accompany such application.

(b) All weapon dealer licenses shall expire one year from date of issue.

(c) The annual license fee shall be one hundred dollars (\$100.00) and shall be made payable at time of application. Any refunds shall be made in accordance with Section 501.09(A) and (S), C.C.C.

#### **545.04. Dealer license prohibitions, conditions.**

(a) No weapon dealer shall purchase, sell, barter, trade, give away or take possession of an "assault weapon" as defined in Section 2323.01(I), C.C.C. except as provided in Section 2323.05(C).

(b) No weapon dealer shall sell, barter, trade or give away any lawful weapon unless the individual so receiving such weapon is first in possession of a valid Weapon Transaction Permit.

(c) Every person who is licensed to deal in weapons described in C.C.C. 545.02 shall make out and deliver to the Division of Police, every day before the hour of 12:00 noon, a legible and correct report of every sale, gift, or other transaction made under authority of such license, during the preceding twenty-four hours. The report shall contain the date of such transaction; the type of the weapon as described in C.C.C. 545.02; the full name of purchaser, or recipient with (his/her) address and age; dealer name and dealer license number; the serial number, kind, description and price of such weapon; the weapon transaction permit number; and the purpose given by such person for the acquisition of such

weapon. The report shall be substantially in the following form:

Permit number, date of issue;  
Full name, residence of permittee;  
Date of birth, social security number of permittee;

Dealer name and dealer license number;  
Weapon serial number, description;  
For what purpose acquired.

(d) **Display of license.** Each weapon dealer license shall be prominently displayed at the place of business shown thereon, in full view of patrons.

#### **545.05. Refusal of dealer license application.**

(a) The Section may refuse to issue a dealer license if any of the following is found to be true:

(1) The applicant has made a false statement as to any matter in the application;

(2) The applicant has not complied with all applicable regulations of this chapter;

(3) Any other reason for which a license may be refused as provided in Chapter 501, C.C.C.

#### **545.06. Weapon transaction permit required.**

(a) No person shall purchase or take possession of any lawful weapon without first procuring from the License Section a valid weapon transaction permit.

(b) No weapon transaction permit shall be issued until at least seven (7) days have elapsed from the date of the permit application.

(c) This section does not apply to transactions involving firearms defined as antiques, curios or collectibles.

#### **545.07. Weapon transaction permit application; permit term, fee.**

(a) Application for a weapon transaction permit shall be made on forms provided by the section, shall be made under oath and shall provide the following information and material:

(1) Full name, residence address, residence telephone number, date of birth, sex, race, and social security number of applicant;

(2) A current criminal background review, performed by Columbus Police personnel;

(3) Fingerprints;

(4) Type of weapon to be transacted;

(5) Any other information or material required by the rules and regulations promulgated by the safety director under this section.

(b) All transaction permits expire thirty (30) days from date of issue.

(c) The transaction permit fee shall be ten dollars (\$10.00) and shall be made payable at time of application. Any refunds shall be made in accordance with Section 501.09(A) and (B), C.C.C.

(d) Sections (a)(2) and (c) above shall not apply to law enforcement officers as defined in Section 545.01, C.C.C.

#### **545.08. Refusal of weapon transaction permit.**

(a) The section shall refuse a weapon transaction permit to the following individuals:

(1) Those having made any false statement as to any matter in their application;

(2) Those under the age of eighteen (18) years;

(3) Those under twenty-one (21) years of age, unless such individual is at least eighteen (18) years of age and wishes to purchase a shotgun or rifle only;

(4) Those convicted of any "offense of violence" as defined in Section 2901.01(I) of Ohio Revised Code, or any felony offense, within the last ten (10) years;

(5) Those under disability as defined in 2923.13 ORC, who have not been relieved from such disability as provided in ORC 2923.14;

(6) Any other reason for which a license may be refused as provided in Chapter 501, C.C.C.

#### **545.09. License, permit revocation.**

(a) Licenses and permits issued under this chapter may be revoked by the License Supervisor for any one or more of the following reasons:

(1) Fraud, misrepresentation or bribery in securing a license or during the course of business;

(2) Violation of any provision of this or any other applicable City, State or Federal statute, rule or regulation;

(3) And, any of the reasons which could have been grounds for refusing to issue the original license or permit as provided in this chapter or Chapter 501, C.C.C.

**545.10. Application investigation.** The Section shall examine all applications filed under this chapter and shall make, or cause to be made, any further investigation as is deemed necessary in order to perform duties prescribed by this chapter, as well as by Chapter 501, C.C.C.

**545.11. License, permit appeals.** Any individual or organization who has been refused a license or permit, or renewal of a license or permit under this chapter, or has had a license or permit issued under this chapter suspended or revoked, may appeal such decision as provided by Chapter 505, C.C.C.

**545.12. Transfer of license, permit.** No license or permit issued under this chapter shall be assigned or transferred by the named licensee or permittee to any other individual or organization.

**545.13. Exemptions.** This chapter shall not apply to:

(a) Any individual redeeming or removing from deposit or pledge, with proper proof of ownership, their own weapon.

#### **545.99. Penalties.**

(a) Whoever violates or fails to comply with Section 545.04(a), (b), (c); 545.06(a), (b); or 545.12 shall be deemed guilty of a misdemeanor of the first degree.

(b) Whoever violates or fails to comply with Section 545.04(d) shall be deemed guilty of a misdemeanor of the fourth degree.

### **Title 23. General Offenses Code Chapter 2323. Attempt; Complicity; Weapons**

**2323.11 Definitions.** As used in Chapter 2323 of the Columbus City Codes:

(A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(B)(1) "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 which is inoperable but which can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(C) "Handgun" means any firearm designed to be fired while being held in one hand.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semiautomatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) "Large capacity magazine" means a box, drum, clip or other container which holds more than twenty rounds of ammunition to be fed continuously into a semiautomatic firearm, except a magazine designed to hold only .22 caliber rimfire cartridges.

(G) "Assault weapon" means:

(1) Any semiautomatic action, center fire rifle or carbine that accepts a detachable magazine with a capacity of twenty rounds or more;

(2) Any semiautomatic shotgun with a magazine capacity of more than six rounds;

(3) Any semi-automatic handgun that is:

(a) A modification of a rifle described in Division (G)(1), or a modification of an automatic firearm; or

(b) Originally designed to accept a detachable magazine with a capacity of more than twenty rounds.

(4) Any firearm which may be restored to an operable assault weapon as defined in Division (G)(1), (2) or (3) of this section.

(5) Any part, or combination of parts, designed or intended to convert a firearm into an assault weapon as defined in Division (G)(1), (2) or

(3) of this section, or any combination of parts from which an assault weapon as defined in Division (G)(1), (2) or (3) of this section, may be readily assembled if those parts are in the possession or under the control of the same person.

(H) Assault weapon does not include any of the following:

(1) Any firearm that uses .22 caliber rimfire ammunition with a detachable magazine with a capacity of twenty rounds or less.

(2) Any assault weapon which has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(I) "Antique firearm" means any firearm manufactured prior to 1898.

(J) "Curio or collectible firearm" means any firearm manufactured fifty (50) or more years ago.

#### **2323.12 Carrying concealed weapons.**

(A) No person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon.

(B) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons, and acting within the scope of their duties.

(C) It is an affirmative defense to a charge under this section of carrying or having control of a weapon that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

(1) The weapon was carried or kept at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or

occupation was of such character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon himself or a member of his family, or upon his home, such as would justify a prudent man in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in his own home.

(4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of Division (C) of Section 2923.16 of the Revised Code or Division (C) of Section 2323.16 of the Columbus City Codes.

(D) Whoever violates this section is guilty of carrying concealed weapons, a misdemeanor of the first degree.

(E) This section shall not apply if:

(1) The offender previously has been convicted of a violation of this section or Section 2923.12 of the Revised Code or of any offense of violence;

(2) The weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303 of the Revised Code;

(3) The weapon involved is a firearm which is either loaded or for which the offender has ammunition ready at hand;

(4) The weapon involved is dangerous ordnance as defined in Section 2923.11 of the Revised Code;

(5) The offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved.

#### **2323.15. Using weapons while intoxicated.**

(A) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance as defined in Section 2923.11 of the Revised Code.

(B) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

#### **2323.19 Failure to secure dangerous ordnance.**

(A) No person, in acquiring, possessing, carrying, or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft, or against its acquisition or use by an unauthorized or incompetent person;

(2) To insure the safety of persons and property.

(B) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.

(C) As used in this section, dangerous ordnance has the same meaning as used in Section 2923.11 of the Revised Code.

#### **2323.20 Unlawful transactions in weapons.**

(A) No person shall:

(1) Knowingly exhibit for sale in a show window any firearm.

(2) Sell a firearm to another person unless a permit has been issued pursuant to Chapter 545 of the Columbus City Codes.

(3) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(4) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm in such person's possession or under his control.

(B) The Safety Director shall have the power to promulgate rules and regulations, including permit fees, regarding application for, and issuance of, firearm purchase permits.

(C) This section does not apply to transactions involving firearms defined as antiques, curios, or collectibles.

(D) Whoever violates any provision of this section is guilty of unlawful transactions in weapons. Violation of Division (A)(1) or (A)(4) of this section is a misdemeanor of the fourth degree. Violation of Division (A)(3) of this section is a misdemeanor of the second degree. Violation of Division (A)(2) of this section is a misdemeanor of the first degree.

#### **2323.21 Improperly furnishing firearms to a minor.**

(A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

#### **2323.31 Unlawful possession of assault weapons.**

(A) No person shall sell, offer or display for sale, give, lend or transfer ownership of, acquire or possess any assault weapon.

(B) This section does not apply:

(1) To law enforcement officers of the United States, this State, this City, and members of the armed forces of the United States or this state if such person is authorized to acquire or possess an assault weapon and is acting within the scope of his duties;

(2) To the transportation of firearms through the City of Columbus in accordance with federal law;

(3) To any person who lawfully possessed an assault weapon and who registered that assault weapon pursuant to former Columbus City Codes Section 2323.05 in 1989.

(C) Whoever violates this section is guilty of unlawful possession of assault weapons, a misdemeanor of the first degree. If the offender previously has been convicted under this section, upon the second conviction the Court shall impose a sentence of imprisonment of at least thirty days, which sentence is mandatory and may not be suspended, modified, or subject to probation during that thirty day period. If the offender has twice previously been convicted under this section, upon the third or more conviction the Court shall impose a sentence of imprisonment of at least ninety days, which sentence is mandatory and may not be suspended, modified, or subject to probation during that ninety day period.

**2323.32 Unlawful possession of a large capacity magazine.**

(A) No person shall knowingly possess a large capacity magazine.

(B)(1) This section does not apply to law enforcement officers of the United States, this State, or City, and members of the armed forces of the United States or this state, if such person is authorized to possess such large capacity magazine and is acting within the scope of his duties.

(2) This section does not apply to a large capacity magazine which belongs to a firearm or which is possessed by the owner of a firearm which is registered with federal authorities under the National Firearms Act (26 U.S.C.A. Secs. 5801-5871), or if the large capacity magazine belongs to or is a part of an assault weapon which has been registered under Section 2323.-05(C) or has been rendered totally inoperable or inert and the firearm cannot be readily rendered operable or activated and which is kept as a trophy, souvenir, curio or museum piece.

(C) Whoever violates this section is guilty of unlawful possession of a large capacity magazine, a misdemeanor of the first degree.

[Columbus City Codes current through Ord. 2163-04 & Jan. 2005 update]

---



---

## Revised Code of General Ordinances of the City of Dayton

---



---

### Title XIII. General Offenses

#### Chapter 138. Weapons and Explosives

##### Division 1. General Provisions

**138.01. Definitions.** For the purpose of §§ 138.01 to 138.09, the following words and phrases shall have the following meanings ascribed to them respectively:

**Automatic firearm.** Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. Also any semiautomatic firearm designed or specially adapted to fire more than 18 cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

**Dangerous ordnance.** Any of the following:

(1) Any automatic or sawed-off firearm, or zip gun;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

**Dangerous ordnance.** Does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (C)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small arms or small arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece;

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

**Deadly weapon.** Any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

**Explosive device.** Any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

**Firearm.** 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 which is inoperable but which can readily be rendered operable.

**Handgun.** Any firearm designed to be fired while being held in one hand.

**Incendiary device.** Any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

**Sawed-off firearm.** A shotgun with a barrel less than 18 inches long, or a rifle with a barrel less than 16 inches long, or a shotgun or rifle less than 26 inches long overall.

**Semiautomatic firearm.** Any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

**Zip gun.** Any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signaling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.

**138.02. Carrying concealed weapons.**

(A) No person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon or dangerous ordnance.

(B) This section does not apply to officers, agents, or employees of this or any other state of the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance, and acting within the scope of their duties.

(C) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in going armed;

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon himself or a member of his family or upon his home, such as would justify a prudent man in going armed;

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in his own home;

(4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of § 138.05(C) of this title.

(D) Whoever violates this section is guilty of carrying concealed weapons, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section or of any offense of violence, or if the weapon involved is a firearm which is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, then carrying concealed weapons is a felony of the third degree. If the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons is a felony of the second degree, and the offender shall be prosecuted according to appropriate state law.

**138.03. Using weapons while intoxicated.**

(A) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(B) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

**138.05. Failure to secure dangerous ordnance.**

(A) No person, in acquiring, possessing, carrying, or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

(B) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.

### **138.06. Unlawful transactions in weapons.**

(A) No person shall:

(1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sand-bag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to § 138.05 of this Code or R.C. § 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsection (A)(1) or (2) of this section is a misdemeanor of the second degree. Violation of subsection (A)(3) of this section is a misdemeanor of the fourth degree.

### **138.07. Improperly furnishing firearms to a minor.**

(A) No person shall:

(1) Sell any firearm to a person under age 18;

(2) Sell any handgun to a person under age 21;

(3) Furnish any firearm to a person under age 18, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

## **Division 2. Firearm Owner's Identification Card**

**138.10. Definitions.** For the purpose of §§ 138.10 to 138.23, the following words and phrases shall have the following meanings ascribed to them respectively:

**Firearm.** 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 which is inoperable but which can be easily restored to an operable condition.

**Nonresident.** Any person who does not have an actual place of residence in the city.

**Offense of violence.** Any violation as defined by R.C. § 2901.01(I)(1)-(4).

**Possess.** To knowingly carry or have a firearm on the person or ready at hand.

**Resident.** Any person who has an actual place of residence in the city.

### **138.11. Firearm owner's identification card required.**

(A) No person shall possess any firearm, unless such person has a firearm owner's identification card issued to him/her and in effect under § 138.13, or is exempt from the requirement of an identification card under § 138.22, or is on a duly licensed and suitable firing range.

(B) No person shall sell, deliver, transfer, or furnish any firearm to any person, unless the transferee exhibits a firearm owner's identification card valid on its face and issued to the transferee under § 138.13, or unless the trans-

feree exhibits evidence that he/she is exempt from the requirement under § 138.22.

(C) No person shall sell, deliver, transfer, or furnish any firearm to any person without first having notified the Director and Chief of Police of his/her intention to do so not less than five days prior thereto. Such notification shall be in writing, and shall contain the name, home address, social security number, and firearm owner's identification card number of the intended transferee. The Director and Chief of Police shall prescribe the form for such notification, and shall make them available upon request therefor.

(D) Every person regularly engaged in the business of selling or trading firearms at wholesale or retail whether as the principal business of such person or in addition thereto, having sold, delivered, or furnished a firearm to any person pursuant to the provisions of subsection (C) above, shall within five days thereafter, furnish to the Director and Chief of Police the details of such transaction, including the name and address of the transferee, his/her firearm owner's identification card number, and a description of the firearm obtained, including the manufacturer's brand name, caliber, and serial number.

(E) No person shall use or attempt to use a firearm owner's identification card to obtain any firearm, knowing such identification card to belong to another, or knowing it was obtained by means of false information, or when it is void by reason of the holder becoming a member of the class of persons prohibited by § 138.14 from being issued a firearm owner's identification card.

(F) No person shall use or attempt to use his/her firearm owner's identification card to obtain any firearm for any person who does not have a firearm owner's identification card issued to him/her and in effect under § 138.13 and is not exempt from the requirement of an identification card pursuant to § 138.22, and no person shall knowingly permit his/her firearm owner's identification card to be used by another to obtain any firearm.

(G) No person shall knowingly furnish false information when making application for a firearm owner's identification card.

### **138.12. Application for card; contents.**

(A) Application for a firearm owner's identification card shall be made in writing to the Director and Chief of Police, and shall be accompanied by an application fee of \$25.00, none of which shall be refunded if such application is denied.

(B) The application shall contain the name, home address, race, sex, ethnicity, birth date, height, weight, hair and eye color, social security number, full face photograph of the applicant, and shall be signed by the applicant.

(C) Applicants shall present corroborating evidence of their identity to the Director and Chief of Police or his/her agent with the initial application.

(D) Applications for a firearm owner's identification card shall be endorsed with the serial number and date of issuance of the card, or, if such card is not issued, with the reasons therefor, and the date.

### **138.13. Issuance of card; forfeiture.**

(A) If the applicant for a firearm owner's identification card is not a person prohibited by § 138.14 from being issued such card, the Director and Chief of Police shall notify the applicant of the approval of the issuance of such card not less than five nor more than 20 days from the date of the application by certified mail, return receipt requested, mailed to the applicant at the address stated in the application.

(B) The applicant must personally appear for the issuance of the firearm owner's identification card within 90 days after receipt of notice of approval at the location specified in such notice. Failure to appear within the 90-day period shall void the application, but shall not bar a subsequent application.

(C) If a person to whom a firearm owner's identification card has been issued becomes a prohibited person enumerated in § 138.14, the card is thereupon void and shall be forfeited to the Director and Chief of Police. The Director and Chief of Police shall cause a notice of forfeiture, requiring the return of the firearm owner's identification card within ten days of receipt of such notice, to be sent to the holder's recorded last known address by certified mail. The notice of forfeiture shall set forth the reasons therefor.

(D) No person shall fail to surrender in person to the Director and Chief of Police his/her firearm owner's identification card after receiving notice of forfeiture pursuant to subsection (C) of this section. If a person fails to surrender his/her firearm owner's identification card within 15 days after notice is sent, it may be seized by police officers and any firearm as defined by § 138.10(A) of this chapter possessed by the person at the time may be seized.

### **138.14. Persons not eligible for firearm owner's identification cards.**

A firearm owner's identification card shall not be issued to:

(A) Any person who is prohibited by 18 U.S.C. Section 922 from obtaining, possessing, carrying or using a firearm, and has not had such disability removed according to 18 U.S.C. Section 925;

(B) Any person who is prohibited by R.C. § 2923.13 from obtaining, possessing, carrying, or using a firearm, and has not had such disability removed according to R.C. § 2923.14;

(C) A person with more than one conviction of any offense involving drunkenness within one year prior to his/her application for firearm owner's identification card;

(D) A person with more than one conviction of disorderly conduct, or the state equivalent of such offense, within two years prior to his/her application for firearm owner's identification card;

(E) A person who has been charged with and/or indicted for or who has been convicted of any offense of violence, as defined in R.C. § 2901.01 or other offense involving the use of force or violence or the threat of the use of force or violence against the person of another, not constituting a felony, or has been adjudicated a juvenile delinquent for commission of any such offense;

(F) Any person who is under the age of 18 years;

(G) A person who has been charged with or convicted of any offense in violation of §§ 138.02, 138.03, 138.04, 138.05, 138.06, 138.07, 138.08, 138.09, or the state equivalent of such offenses.

(H) A nonresident of the City of Dayton, Ohio.

**138.16. Contents of card.** All cards issued under this section shall be entitled "City of Dayton Firearm Owner's Identification Card." They shall be serially numbered, shall bear the date of issue, the name of the issuing authority, and the name, home address, race, sex, ethnicity, birth date, height, weight, hair and eye color, social security number, a full face photograph of the holder, and signature of the holder. The firearm owner's identification card shall state that it is not a permit to carry a firearm. The card will also state that no person shall sell a handgun to the

holder of such card if the holder is under the age of 21 years.

**138.17. Expiration and renewal of card.**

(A) A firearm owner's identification card expires three years after the holder's first birth date after issuance, and may be renewed for subsequent three-year periods by following the application procedure. The fee for a renewal application shall be \$15.00, none of which shall be refunded if such application is denied.

(B) Any holder of a current, valid, "Handgun Owner's Identification Card" shall be granted all rights and privileges set forth in § 138.11, "Firearm Owner's Identification Card," and upon expiration of the handgun owner's identification card may renew the application, pay the above fee, and be issued a new firearm owner's identification card provided he/she is not ineligible as stated in § 138.14.

**138.18. Form of application and card.** The Director and Chief of Police shall design and prescribe the form for the application and for the firearm owner's identification card consistent with §§ 138.12 and 138.16, and shall make available a supply of such forms to each person requesting an application.

**138.21. Director and Chief of Police authorized to promulgate procedure.** The Director and Chief of Police, with the approval of the City Manager is authorized to promulgate such procedure as he/she deems appropriate to accomplish the orderly application for and issuance of firearm owner's identification cards, and for hearings conducted pursuant to § 138.15, and for the filing of applications by invalids and handicapped persons.

**138.22. Persons exempt.** The requirements of a firearm owner's identification card contained in §§ 138.10 to 138.23 do not apply to the following:

(A) Officers or agents of the United States or any state or any political subdivision, department, or agency, or members of the organized militia of any state, or the Armed Forces of the United States, or any law enforcement officer, to the extent that the official duties of any such person require him/her to obtain, possess, carry, or use firearms;

(B) Any private investigator or security guard that:

(1) Has successfully completed a basic firearm training program at a training school approved by the Ohio Peace Officer Training Council, and;

(2) Has requested, and received, a class A, B, or C license from the Ohio Department of Commerce, and;

(3)(a) Has a notation on his/her Private Investigator/Security Guard Provider Identification Card, issued by the Ohio Department of Commerce, Division of Licensing, that he/she is a firearm-bearer (FAB) specifically enumerating the type of firearm he/she is qualified to carry and carries the identification card whenever he/she carries a firearm in the course of engaging in the business of private investigation and/or security services, and;

(b) If the firearm-bearer (FAB) date has expired, carries his/her certificate of satisfactory requalification that is in effect while engaging in the business of private investigation and/or security services.

(4) No private investigator or security guard shall be considered a law enforcement officer for any purpose.

(5) Nothing in this section shall be construed as granting the right to carry a concealed weapon.

(C) Importers, manufacturers, and dealers licensed under federal law, to the extent that the acquisition, possession, carriage, or use of any firearm is in the ordinary course of business;

(D) Carriers, warehousemen, and others engaged in the business of transporting or storing firearms, and their agents or employees, to the extent that possessing any firearm by such persons is in the ordinary course of business and in conformity with the laws of the State of Ohio or the United States;

(E) Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their official capacity, and their attorneys;

(F) Heirs and legatees coming into possession of any firearm through distribution of an estate and other persons other than those persons named in subsection (E) acquiring any firearm through operation of law, during a period not exceeding 30 days from the date of their coming into possession of such firearm;

(G) Nonresidents of the city moving to the city for the purpose of establishing residence therein, during a period not to exceed 30 days of their entry into the city for such purpose;

(H) Nonresidents of the city who enter the city for a period not to exceed 30 days with a firearm or firearms for the purpose of exhibiting or trading a firearm or firearms at a public firearm display, show, or exhibition. However, the firearm or firearms shall be unloaded at all times and must be kept encased except when at such display, show, or exhibition;

(I) Nonresidents of the city who enter the city for a period not to exceed 30 days for the purpose of participating in an organized and sanctioned firearm match; provided, that any firearm shall be unloaded and encased except while participating in such firearm match.

**138.23. Nonapplicability of §§ 138.10 to 138.22.** The provisions of §§ 138.10 to 138.22 shall not apply to the following:

(A) Any firearm which, regardless of its actual age, is designed and safe for use only with black powder, and uses a flintlock, percussion cap, or other obsolete ignition system, or with respect to any firearm which uses fixed ammunition of a type in use prior to 1899, which ammunition is no longer commercially manufactured in the United States and is not readily available in the ordinary channels of trade;

(B) Any device used exclusively for signaling or safety and recommended by the United States Coast Guard or the Interstate Commerce Commission;

(C) Any device used exclusively for firing of stud cartridges, rivets, or nails, and designed for industrial applications;

(D) Any device used exclusively as a starter gun for the purpose of firing blank cartridges as a means of controlling sporting events, or for use in theatrical productions; provided, that such gun is so constructed as not to be readily convertible to the firing of projectiles.

**Division 3. Assault Weapons**

**138.24. Definitions.** For the purposes of §§ 138.24 to 138.27 the following words and phrases shall have the following meanings ascribed to them respectively:

**Assault weapon** means:

(1) Any rifle or carbine:

(a) With a detachable magazine capable of containing more than ten rounds of ammunition,

either inserted into the weapon or readily accessible, or;

(b) With a permanent magazine capable of containing more than ten rounds of ammunition, or;

(c) Which is a modification of a rifle or carbine as defined in (A)(1)(a) or (b), above, so as to be able to be fired while being held in one hand.

(2) Any shotgun:

(a) With a detachable magazine capable of containing more than six rounds of ammunition, either inserted into the weapon or readily accessible, or;

(b) With a permanent magazine capable of containing more than six rounds of ammunition.

(3) Any handgun:

(a) With a detachable magazine capable of containing more than 20 rounds of ammunition, either inserted into the weapon or readily accessible, or;

(b) With a permanent magazine capable of containing more than 20 rounds of ammunition.

(4) Any firearm which may be easily restored to an operable assault weapon as defined in subsection (A)(1), (A)(2), or (A)(3);

(5) A rifle/carbine magazine, capable of containing more than ten rounds of ammunition, or;

(a) A handgun magazine, capable of containing more than 20 rounds of ammunition, or;

(b) A shotgun magazine capable of containing more than six rounds of ammunition.

(6) Concerning sections (A)(1), (A)(2), (A)(3), (A)(4) and (A)(5); magazines need not be loaded to be in violation of this chapter.

(B) Assault weapon does not include any of the following:

(1) Any firearm that uses .22 caliber rimfire ammunition with a detachable or fixed magazine capable of containing 20 or fewer rounds of ammunition.

(2) Any assault weapon which has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

**Automatic firearm.** Any firearm designed or specifically adapted to fire a succession of cartridges with a single function of the trigger.

**Deadly weapon.** Any instrument, device, or thing capable of inflicting death, and designed or specifically adapted for use as a weapon, or possessed, carried, or used as a weapon.

**Easily restored.** Any modification that can be done by hand or with the use of ordinary hand tools.

**Firearm.** 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 which is inoperable but which can be easily restored to an operable condition.

**Handgun.** Any firearm designed to be fired while being held in one hand.

**Person.** Any individual, corporation, company, association, firm, partnership, club, or society, including wholesale and retail gun dealers.

**Rifle and/or carbine.** Any firearm designed and intended to be fired from the shoulder and designed to use the energy of the explosive in a fixed cartridge to fire a single projectile through a rifle bore for each single pull of the trigger.

**Semi-automatic firearm.** Any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

**Shotgun.** Any firearm, whether or not it is intended to be fired from the shoulder, originally designed to fire a fixed shotgun shell.

**138.25. Prohibitions.** No person shall sell, offer, or display for sale, give, lend or transfer ownership of, acquire or possess any assault weapon.

**138.25.1. Persons exempt.** Nothing in this section shall apply to any officer, agent, or employee of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers as defined in R.C. § 2901.01(K) to the extent that any such person is authorized to acquire or possess an assault weapon and is acting within the scope of his/her duties.

**138.25.2. Safe passage.** The prohibition against possessing an assault weapon(s) shall not apply when it is being transported through the City of Dayton, if such transportation is being made in accordance with 18 U.S.C. § 926A.

(A) Nothing in this section shall be construed as granting the right to carry a concealed weapon. See § 138.02.

(B) Nothing in this section shall be construed as granting the right to transport a loaded firearm in a motor vehicle, or in a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle. See § 138.04.

**138.26. Seizure and destruction of assault weapons.** Any assault weapon is hereby declared to be contraband and shall be seized and disposed of as authorized by law.

**138.27. Penalty.** Any person who violates any provision of § 138.25 shall be guilty of a misdemeanor of the first degree. Each calendar day that any violation of § 138.25 is repeated or continued shall constitute a separate offense. If any person who violates any provision of § 136.25 was, at the time of the commission of such offense, also committing any drug offense, he or she shall be sentenced to serve the maximum term of imprisonment, to wit: 180 days. In addition, the offender shall be fined the maximum fine permitted, to wit: \$1,000.00. These terms of imprisonment and fine are mandatory, shall not be suspended, and must be imposed by the court.

**138.99. Penalty.** Whoever violates §§ 138.11 or 138.13(D) shall be guilty of a misdemeanor of the first degree.

[City of Dayton Revised Code current through Ord. 30398-04 passed Nov. 17, 2004]

---

---

## Toledo Municipal Code

---

---

### Part 5. General Offenses Code Chapter 549. Weapons and Explosives

**549.01. Definitions.** As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "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 which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a

succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than twenty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture,

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device or safety device, not designed as a firearm, but which as designed is, capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pectretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor;

(5) Any firearm muffler or silencer;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(k) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the

ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(l) "Shotgun" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(m) "Rifle" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

(n) "Fixed place of business" means an established location of a commercial or industrial enterprise owned, managed, or operated by a person, firm or corporation.

(o) "Unencased" means not enclosed in a case, container or receptacle designed and constructed specifically for the purpose of encasing a firearm, but shall not include a holster for a pistol or revolver.

(p) "Loaded" means any pistol, revolver, rifle, shotgun or any other weapon, by whatever name known, designed to expel a projectile or projectiles by the action of expanding gases, which contains a round or rounds of ammunition in the chamber, slide, receiver, barrel or cylinder or clip attached thereto.

(q) "Unloaded" means any pistol, revolver, rifle, shotgun or any other weapon, by whatever name known, designed to expel a projectile or projectiles by the action of expanding gases, which does not contain a round or rounds of ammunition in the chamber, receiver, slide, barrel, cylinder or clip attached thereto.

(r) "Firearms dealer" means any person, firm or corporation engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(s) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions,

the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(t) "Resident" means any person who has a factual place of residence within the limits of the City.

(u) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(v) "Minor" means any person under the age of twenty-one years.

(w) "Director of Public Safety" means the Director of Public Safety or his or her designee.

(x) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

"Certain semi-automatic firearms" means any of the following:

(A) A semi-automatic rifle less than forty-two inches in overall length that has an ability to accept a detachable magazine and has at least two of:

- (i) a folding or telescoping stock;
- (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon.
- (iii) a bayonet mount;
- (iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and
- (v) a grenade launcher;

(B) a semi-automatic pistol that has an ability to accept a detachable magazine and has at least two of:

- (i) an ammunition magazine that attaches to the pistol outside of the pistol grip;
- (ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward hand-grip, or silencer;
- (iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;
- (iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and
- (v) is known by the person charged at the time of the offense to be a semi-automatic version of an automatic firearm.

(C) A semi-automatic shotgun that has at least two of:

- (i) a folding or telescoping stock;
- (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
- (iii) a fixed magazine capacity in excess of 5 of the 2 3/4 inch standard rounds; and
- (iv) an ability to accept detachable magazine.

#### **549.02. Carrying concealed weapons.**

(a) No person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon.

(b) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance, and acting within the scope of their duties.

(c) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a

time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon himself or a member of his family or upon his home, such as would justify a prudent man in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in his own home.

(4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of Section 549.04 (c).

(d) Whoever violates this section is guilty of carrying concealed weapons, a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this section, Ohio R.C. 2923.12 or of any offense of violence, or if the weapon involved is not a firearm which is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is not a dangerous ordnance, or if the offense is not committed aboard an aircraft, nor with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved.

#### **549.03. Using weapons while intoxicated.**

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

#### **549.05. Failure to secure dangerous ordnance.**

(a) No person, in acquiring, possessing, carrying or using any dangerous ordnance or deadly weapon shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance or deadly weapon against theft, or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.

#### **549.06. Unlawful transactions in weapons.**

(a) No person shall:

(1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or similar weapon;

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of

subsections (a)(1) or (2) hereof is a misdemeanor of the second degree. Violation of subsection (a)(3) hereof is a misdemeanor of the fourth degree.

#### **549.07. Improperly furnishing firearms to a minor.**

(a) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

(b) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

**549.08. Firearms confiscated.** Any firearm seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any provision of this chapter shall, upon conviction of such person, firm or corporation, be ordered confiscated by the Municipal Court of the City, and such firearm shall be turned over to the Department of Police Operations for disposal, except that any firearm so seized which has been reported stolen shall be returned to the lawful owner thereof.

#### **549.09. Handgun identification card; fee.**

(a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirement of an identification card pursuant to Section 549.10.

(b) Application for a handgun owner's identification card shall be made in writing under oath to the Chief of Police of the City, and shall be accompanied by an application fee of seven dollars and fifty cents (\$7.50) every three years which shall be paid into the City Treasury. If it appears upon investigation that the applicant is a resident of the City and is not prohibited by this section from being issued an identification card, the Chief of Police shall issue such card to the applicant within not less than seven nor more than fourteen days from the date of application. A copy of such card shall be retained by the Chief of Police together with a copy of the application, which documents shall be maintained on permanent file by the Chief of Police. Handgun owner's identification cards issued pursuant to this section expire on the thirtieth day following the holder's third birthday after the date of issuance of such card, and are void at any time prior to such date upon the holder becoming a member of the class of persons prohibited by this section from being issued handgun owner's identification cards.

(c) All identification cards issued pursuant to this section shall be entitled "City of Toledo, Ohio, Handgun Owner's Identification Card", shall be serially numbered according to a system devised by the Chief of Police, shall bear the date of issue, the date of expiration, the name of the Chief of Police, and the applicant's name, home address, birth date, physical description, full face photograph and Social Security number and shall be signed by the holder. If, within ninety days after receipt of notice of approval of the application for a handgun owner's identification card, the applicant fails to appear for the processing and issuance of his identification card, such application shall be considered



void but shall not bar the applicant from reapplying for such identification card.

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Ohio R.C. 2923.13 from purchasing, owning, possessing, receiving, having on or about his person or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use or possession of narcotics, drugs of abuse or any drug dependent person;

(4) A person with more than one conviction or disorderly conduct involving intoxication within one year prior to his application for such identification card;

(5) Any person with more than one conviction or a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one year prior to his application for such identification card;

(6) Any person convicted of a violation of any provision of this chapter, or Ohio R.C. 2923.11 to 2923.24 or any other comparable Municipal, State or Federal law;

(7) Any person who is otherwise prohibited by Federal law from owning, possessing, shipping, transporting, or receiving firearms or ammunition.

(e) No person shall knowingly give any false information in making application for a handgun owner's identification card, and no person shall use or attempt to use a handgun owner's identification card to purchase, own, possess, receive, have on or about his person, or use any handgun, knowing such identification card to belong to another, or knowing it was obtained by means of false information, or when it is void by reason of the class of persons prohibited by this section from being issued a handgun owner's identification card.

(f) No person shall use or attempt to use his handgun owner's identification card to obtain any handgun for any person who does not have a handgun owner's identification card issued to him and in effect pursuant to this section and is not exempt from the requirement of an identification card pursuant to Section 549.10, and no person shall knowingly permit his identification card to be used by another to purchase, own, possess, receive, have on or about the person or use any handgun or handgun ammunition.

(g) If for reasons set forth in this chapter, an applicant is denied a handgun owner's identification card, such applicant may appeal such order or refusal to the Director of Public Safety within ten days from the receipt of a notice of such refusal. The Director of Public Safety shall conduct a hearing upon such appeal within thirty days from the receipt of a notice of appeal in writing from such order of refusal. If for reasons set forth in this chapter, an applicant is denied a handgun owner's identification card who, at the time of making the application is the owner or possessor of a handgun, the applicant shall, either within thirty days from the date of denial of such handgun owner's identification card, or if an appeal is filed by such applicant to the Director of Public Safety, within thirty days from the date of receipt of an affirmation of such order of refusal by the Director of Public Safety, dispose of such handgun pursuant to the provisions of Section 549.11.

(h) A possessor of a handgun owner's identification card shall become ineligible to possess such a card if he becomes one of that class of persons set forth in subsection (d) hereof, and

he shall thereupon immediately forfeit such card and return the same to the Chief of Police, and he shall within thirty days from the date of forfeiture dispose of any handguns in his possession pursuant to the provisions of Section 549.11.

(i) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during the hours of his employment within the City, may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(j) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

#### **549.10. Handgun identification card exemptions.**

(a) The requirements of a handgun owner's identification card contained in Section 549.09 do not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any handgun or handgun ammunition by:

(1) Any state of the United States, or any political subdivision, department or agency of either;

(2) Officers or agents of any state or the United States or any political subdivision, department or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry or use handguns;

(3) Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of any handgun is in the ordinary course of business;

(4) Nonresidents of the City who are residents of the State; provided that such persons are not prohibited by the provisions of Section 549.09 and Ohio R.C. 2923.13, and possess and exhibit upon request such valid permit, authorization or identification issued by the Chief of Police or the sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the City with firearms for the sole and only purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for thirty days only from the date thereof;

(5) Nonresidents of the City, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun;

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys;

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun;

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State and the United States.

(b) No person shall purchase or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 549.09 knowing such claim of exemption to be false.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.

#### **549.11. Handgun transfer restrictions.**

(a) No person in this City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 549.09, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 549.10.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City, unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 549.09, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 549.10.

(c) Any person in possession of a handgun who is denied a handgun owner's identification card, or as a possessor of a handgun owner's identification card becomes ineligible to possess such card, shall dispose of the handgun by selling or transferring it to a qualified transferee or by physically destroying the handgun.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

#### **549.12. Dealer's license.**

(a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 549.13 the Chief of Police shall authorize the issuance of a license to engage in business as a firearms dealer. No license shall be issued to any applicant whose license has been revoked nor to any applicant who has been convicted of a violation of any section of this chapter, until the expiration of five years from the effective date of such revocation

or five years from the date of conviction. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications for a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business. ...

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**549.13. Dealer's license fee.** The fee for the license required by Section 549.12 shall be ten dollars (\$10.00) renewable annually. The license so issued shall be good and considered to be in full force and effect until such time as the license is revoked, surrendered or the licensee discontinues the business of being a gun dealer. Licenses issued pursuant to the provisions of this chapter are not transferable.

**549.14. Records of firearms dealers.**

(a) Every firearms dealer shall maintain a record of the sale of handguns. Such record of sale shall contain the name of the firearms dealer; the place and date of the sale; the name, address, age and Social Security number of the purchaser; and shall identify such handgun by manufacturer, model, number or name, type, caliber and serial number. If such weapon does not bear a serial number or is other than a standard model, or has been modified and improved, the record of sale shall give a brief description of the weapon including such information as may be necessary to identify it. The record of sale shall include the serial number of the identification card of the purchaser issued pursuant to Section 549.09, or if the purchaser is a nonresident of Toledo, then such information as is contained in a valid permit, authorization or identification as may be required by the laws of the residence of the purchaser, or valid permit, authorization or identification issued by the Chief of Police or the sheriff of the place of residence of such purchaser. Each such record of sale shall be signed by the purchaser and the salesman and no sale shall be made unless such identification card or permit is exhibited by the purchaser. In the instance of sales from a wholesale distributor to a dealer the license number of the dealer shall be recorded in lieu of the aforesaid identification card.

(b) Every firearms dealer shall, on or before the fifth day of each month, furnish to the Chief of Police a copy of the record of sales of handguns made during the preceding month, and shall make available at all times to the Chief of Police or his duly authorized agents the record of sales of all firearms required to be kept pursuant to the provisions of the Federal Fire-arms Act. In the case of a wholesale distributor, its records shall be made available at all times in lieu of the foregoing.

(c) No firearms dealer or any agent or employee of such dealer shall fail to comply with this section or knowingly cause any false information to be entered on a record of sale of any handgun, and no purchaser of any handgun shall give any false information for entry on such record of sale.

(d) As used in this section the term "wholesale distributor" shall be an individual, partnership or corporation, selling only to licensed dealers and not at retail or otherwise to individual consumers.

(e) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue

shall constitute a separate offense and shall be punishable as such hereunder.

**549.15. Revocation of license.**

(a) When any licensed firearms dealer has been convicted of a violation of any provision of this chapter, the Chief of Police shall revoke the license of such firearms dealer. A certified copy of the order of revocation shall be sent forthwith to the firearms dealer, who may appeal such order of revocation to the Director of Public Safety within ten days from the receipt of the order. The Director of Public Safety shall conduct a hearing upon such appeal within thirty days from the receipt of a notice of appeal in writing from such order of revocation.

(b) No firearms dealer whose license has been revoked pursuant to this section shall engage in business as a firearms dealer in this City for a period of five years from the effective date of such revocation. Each day of continuing violation shall be deemed a separate offense.

(c) No firearms dealer shall employ, or enter into any partnership or corporation with any person, firm or corporation, whose firearms dealer's license has been revoked pursuant to the provisions of this section.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**549.16. Carrying handguns in vehicles restricted.**

(a) No person, unless exempted by any provision of this chapter, shall transport in any vehicle in or upon the streets or other public places of the City, any handgun without having in his possession an identification card required by the provisions of this chapter, or if a nonresident, an identification card, permit or authorization issued by the proper authorities of his residence, and provided further that the handgun shall at all times be unloaded and encased.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**549.17. Stolen or lost firearms.**

(a) Whenever any firearm is stolen or lost, the person losing possession thereof shall, immediately upon discovery of such theft or loss, make a report thereof to the Chief of Police showing the following:

- (1) Name and address of the person owning or having possession of such firearm.
- (2) Kind of firearm.
- (3) Serial number.
- (4) Model.
- (5) Caliber.
- (6) Manufacturer of firearm.
- (7) Date and place of theft or loss.
- (8) A complete statement of the facts and circumstances surrounding such theft or loss.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.

**549.21. Exemptions.**

(a) The provisions of this chapter shall not apply to officers or agents of any State or of the United States, or any political subdivision, division or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to carry, be in possession of, or have on or about his person any such firearm or weapon, nor to a person whose terms of employment require him

to carry, possess or have on or about his person during the hours of his employment such firearm or weapon; nor to the members of a color guard, military unit or marching unit, while such color guard, military unit or marching unit is participating in a duly authorized parade, athletic event, funeral or while so participating in such other civic events and functions in which the flag of the United States is displayed, provided, however, that any firearms borne by members of any such color guard, military unit or marching unit while so participating in such events shall at all times remain unloaded.

(b) Nothing in this chapter shall be construed to limit, restrict or modify the legitimate use of firearms as provided by the laws of the United States, or of the State of Ohio, nor shall it be construed to restrict, limit, prohibit or modify the conduct of legitimate business with manufacturers, wholesale dealers and retail dealers of firearms licensed by the Federal Government, or retail dealers of firearms licensed by the City, or with or by persons, firms or corporations engaged in the business of repairing, altering, assembling, cleaning, polishing, engraving or trueing or who perform any mechanical operation upon any firearm.

**549.22. Failure to secure firearms.**

(a) Except as provided in this section, no person shall knowingly store or leave a loaded firearm, or an unloaded firearm accompanied by ammunition, in any location where the person knows or reasonably should know that any person under eighteen years of age is likely to gain possession of such firearm.

(b) Section (a) shall not apply to:

(1) Any firearm which has been secured with a locking device which was designed to prevent the firearm from discharging;

(2) Any firearm which has been stored securely in a manner that could reasonably be expected to prevent persons under eighteen years of age from gaining possession of the firearm;

(3) Any firearm possessed by a person under eighteen years of age for target shooting, hunting or other lawful purpose if the person under eighteen years of age is, at all times that such person possesses the firearm, supervised by a person older than eighteen years of age;

(4) Any firearm controlled by a person between sixteen and eighteen years of age, by or with the consent of such person's parent or guardian, for the purpose of lawful hunting, or target shooting, if the person giving control of such firearm to the person between sixteen and eighteen years of age intends to use the firearm solely for the purpose of lawful hunting or target shooting;

(5) A firearm which a person under eighteen years of age possessed by entering property in violation of law and removing the firearm in violation of law;

(6) A firearm which a person under eighteen years of age possessed by removing it in violation of law from the body of a person who was carrying such firearm.

(7) A firearm which the owner of the firearm has ready at hand based on the owner's reasonable cause to believe a threat of criminal attack exists to the person, property or family of the firearm owner.

(8) Any firearm possessed by a person under age eighteen when possessed by such person in the lawful defense of his person, property or family.

(c) A dealer of firearms shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains

the following warning in block letters not less than one inch in height: "IT IS UNLAWFUL TO STORE OR LEAVE AN UNLOCKED FIREARM WHERE A PERSON UNDER 18 IS LIKELY TO OBTAIN POSSESSION OF IT."

(d)(1) Whoever violates Subsection (a) hereof is guilty of a misdemeanor of the first degree.

(2) Whoever violates subsection (c) hereof is guilty of a minor misdemeanor.

(e) This ordinance shall expire and be of no further effect 3 years after the effective date.

[Note: Expiration date is Jan. 8, 2005.]

**549.23. Possession of certain semi-automatic firearms prohibited, large capacity magazines prohibited, Acknowledgement Form.**

(a) No person shall knowingly sell, deliver, rent, lease, display for sale, transfer ownership or possess certain semi-automatic firearms in the City of Toledo.

(b) No person shall knowingly possess a detachable ammunition magazine loaded with more than ten (10) rounds of ammunition.

(c) This section shall not apply to any assault weapons or any detachable ammunition magazines loaded with more than ten (10) rounds possessed or used by a law enforcement officer or law enforcement agency as provided for in Section 549.21, or any detachable ammunition magazine loaded with more than ten (10) rounds which was purchased by a Toledo Police Patrol Officer pursuant to Section 2129.90 or a Toledo Police Command Officer pursuant to Section 2109.88.

(d) It shall be an affirmative defense to prosecution under this section that either:

(1) At the time of violation the offender possessed a Toledo Certain Semi-Automatic Firearms Prohibited Acknowledgement Form describing by make, model and serial number the firearm(s) which would otherwise be unlawful to possess under this section and which form was signed by the person charged with the violation and acknowledgement before a Notary Public on or before the effective date of this section;

(2) That the offender provides a copy of the federal form 4473 showing proof of purchase date prior to the enactment of this ordinance and signed by the current possessor.

(3) That the proof of date of ownership or purchase provisions of (d)(1) or (d)(2) apply and the offender is an immediate family member of the person indicated as the owner of the firearm and is not otherwise prohibited from possessing firearms.

(e) Any person who acquires ownership of a prohibited semi-automatic firearm by inheritance or otherwise by operation of law shall not be in violation of this ordinance if the person takes possession of such prohibited semi-automatic firearm solely for the purpose of disposing of it, rendering it permanently inoperable, or permanently making it a device no longer classified as a prohibited semi-automatic firearm provided that within 60 days of acquiring ownership the

person in fact disposes of it, renders it permanently inoperable, or permanently makes it a device no longer classified as a prohibited semi-automatic firearm.

(f) Any person who otherwise is not prohibited from firearms ownership and who acquires ownership of a certain semi automatic firearm that is "grandfathered" by the provisions of section 549.23(d)(1) or (d)(2) by inheritance from an immediate family member (grandparent, parent, spouse, son, daughter, brother or sister) shall not be in violation of this ordinance so long as they complete a Toledo Certain Semi-Automatic Firearms Prohibited Acknowledgement Form within 60 days of acquiring ownership.

(g) Whoever violates this section shall be guilty of a misdemeanor of the first degree.

**549.25. Certain handguns prohibited.**

(A) The possession or sale of handguns with the following characteristics is prohibited:

(1) A revolver or single shot handguns which:

(a) Has an overall frame length with conventional grips, not measured diagonally of less than 4½"; or

(b) Has a barrel length of less than 3"; or

(c) Fails to pass a safety test as follows: A Double Action Revolver must have a safety mechanism which automatically (or in a Single Action Revolver by manual operation) causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge or when not in lawful use an external locking or safety device which prevents the firearm from discharging; or

(d) Fails to achieve a score of forty-five (45) points as set forth in Appendix "A" of this chapter;

(2) A semiautomatic handgun which

(a) Does not have a positive manually operated safety device or a double action trigger pull; or when not in lawful use an external locking or safety device which prevents the firearm from discharging, or;

(b) Has a combined length and height of less than 10" with the height (right angle measurement to barrel without magazine or extension) being at least 4" and the length being at least 6"; or

(c) Fails to achieve a score of seventy-five (75) points as set forth in Appendix "A" of this chapter.

(B) No person shall sell, transfer, give, offer for sale or possess any handgun described in "A" above.

(1) Whoever violates this section is guilty of a misdemeanor of the first degree.

(C) Exceptions.

(1) Whether or not they are prohibited by "A" above, the following handguns are exempted from this section:

(a) Any handgun which is an antique or relic firearm, acquired primarily for display or investment, and not for the purpose of firing.

(b) Any handgun which has been modified to either render it permanently inoperable or to

make it a device no longer prohibited by "A" above.

(c) Any handgun possessed or used by a law enforcement officer or law enforcement agency or a handgun purchased by a retired Toledo Police patrol officer pursuant to Section 2129.90 or Toledo Police Command Officer pursuant to Section 2109.88.

(d) Any person who acquires ownership of a handgun described in "A" above, by inheritance or otherwise by operation of law shall not be in violation of this section if the person takes possession of such handgun solely for the purpose of disposing of it, rendering it permanently inoperable, or permanently making it a device no longer described in this section, provided that within 30 days of acquiring ownership the person in fact disposes of it, renders it permanently inoperable, or permanently converts it into a device no longer prohibited by this section.

(e) No person shall be subject to prosecution under any section of Chapter 549 who voluntarily presents a handgun for inspection to the Toledo Police Department or who is transporting the handgun(s) for the purpose of having the handgun inspected or turning the handgun in. Any gun confiscated by the police pursuant to such an inspection will be held for at least 10 days for the owner to provide an address outside of the city where such gun can be shipped.

(f) Any handgun manufactured 50 or more years ago, or any handgun determined by the U.S.B.A.T.F. to be a relic or curio, or replica of a relic or curio or any firearm that does not fire fixed ammunition. (e.g. Black Powder Guns)

(g) Any person who acquires ownership of a "grandfathered" prohibited handgun (handguns that had previously been in compliance by virtue of having been properly listed on a Handgun Acknowledgement form by an owner who had a valid Handgun Identification Card) by inheritance or otherwise by operation of law shall not be in violation of this section, so long as they obtain a Handgun Identification Card and complete a Toledo Handgun Acknowledgement Form within 30 days of acquiring ownership.

(D) It shall be an affirmative defense to prosecution under this section that at the time of the violation the offender possessed:

(1) a valid handgun owner's identification card; and

(2) a Toledo Handgun Acknowledgement form describing by make, model and serial number the handgun(s) which would otherwise be unlawful to possess under this section and which form was signed by the person charged with the violation and acknowledged before a Notary Public on or before the effective date of this section;

(E) The Toledo Handgun Acknowledgment form, Notice, and Appendix A shall be mailed to all persons who possess a Handgun Identification Permit. ....

[Toledo Municipal Code as of Oct. 1, 2004]

---

## OKLAHOMA OKLA. STAT.

---

### Title 21. Crimes and Punishments

#### Chapter 53. Manufacturing, Selling and Wearing Weapons

#### 1271.1. Confiscation and Forfeiture of Weapons Upon Arrest of Person Under 18 – Disposition.

A. Whenever a person under eighteen (18) years of age is detained or arrested by a law enforcement officer and is carrying any weapon or firearm prohibited by Section 1272 of this title,

each such prohibited weapon and firearm may be confiscated and forfeited to the State of Oklahoma by the law enforcement authority. Such confiscation and forfeiture shall not require that criminal charges be filed against the minor.

B. However, when a weapon or firearm confiscated pursuant to the provisions of this section