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H.B. 349
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Weinstein

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SUMMARY

- Prohibits the purchase, sale, or transfer of large capacity firearms magazines by a person who is not subject to one of the bill's exceptions.
- Prohibits the possession of large capacity firearms magazines by a person who is not subject to one of the bill's exceptions and who is not the owner of such a magazine who registered it prior to the deadline set in the bill.

DETAILED ANALYSIS

Large capacity magazines prohibited

The bill prohibits a person from knowingly possessing a large capacity magazine or from knowingly purchasing, keeping for sale, offering for sale, transferring, distributing, or importing a large capacity magazine.¹ A person who violates one of the bill's prohibitions is guilty of unlawful possession of a large capacity magazine, a fourth degree felony, punishable by up to 18 months imprisonment and a fine of up to \$5,000.²

A "large capacity magazine," for purposes of the bill is any firearm magazine, belt, drum, feed strip, or similar device that has the capacity of, or can be readily restored or converted to accept, more than ten rounds of ammunition. "Large capacity magazine" does not include any feeding device that has been permanently altered so that it cannot accommodate more than ten rounds of ammunition, any .22 caliber tube ammunition feeding device, any tubular

¹ R.C. 2923.192(B).

² R.C. 2923.192(E), 2929.14(A)(3)(d), not in the bill, and 2929.18(A)(4), not in the bill.

magazine that is contained in a lever-action firearm, or any magazine that is permanently inoperable.³

Exceptions

General exceptions

The bill is subject to a number of exceptions that allow for a person to purchase, keep for sale, offer for sale, transfer, distribute, or import a large capacity magazine despite the general prohibition discussed above. The bill's prohibition does not apply to any of the following:⁴

- Officers, agents, or employees of the United States, a state, or a political subdivision, members of the Armed Forces of the United States or the organized militia of a state, and law enforcement officers who are authorized to possess, purchase, keep for sale, offer or expose for sale, transfer, distribute, or import large capacity magazines and who are acting within the scope of their duties.
- Importers, manufacturers, and dealers of large capacity magazines that are licensed under the federal "Gun Control Act of 1968,"⁵ and any amendments or additions to the act or reenactments of the act;
- Carriers, warehouses, and others engaged in the business of transporting or storing firearms for hire, with respect to large capacity magazines lawfully transported or stored in the usual course of business and in compliance with state and federal law.

Permitted possession

The bill also permits possession of a large capacity magazine, despite the general prohibition listed above, by a person who possesses a large capacity magazine prior to the effective date of the bill and who is eligible to register that large capacity magazine or has registered that large capacity magazine in accordance with the bill under the provisions below.⁶

Registration of large capacity magazine

The bill allows for the following persons to register a large capacity magazine with the Bureau of Criminal Identification and Investigation (BCI) in order to have possession of that magazine permitted as described above:

- An Ohio resident who lawfully possesses a large capacity magazine prior to the bill's effective date;

³ R.C. 2923.191(A).

⁴ R.C. 2923.191(C).

⁵ 82 Stat. 1213, 18 U.S.C. 923.

⁶ R.C. 2923.191(D).

- A person who moves to Ohio who lawfully possesses a large capacity magazine prior to moving to Ohio.

To register with BCI, an eligible person must complete an application to register a large capacity magazine on a form prescribed by the Superintendent of BCI and submit the application to BCI by 180 days after the effective date of the bill (for an Ohio resident) or 180 days after the person moves to Ohio. Registration is complete when the registrant receives proof of registration from BCI on a form prescribed by the Superintendent.⁷

BCI duties and responsibilities

The bill requires the Superintendent of BCI to establish, operate, and maintain a large capacity magazine registry.⁸ The Superintendent must establish procedures for establishing, operating, and maintain the registry, including procedures for reviewing applications to register, issuing proof of registration, and entering applications to register and proof of registration into the registry. The Superintendent also is required to establish procedures for using and disseminating the information in the registry.⁹

The Superintendent also must prescribe forms necessary for establishing, operating, and maintaining the registry, including an application to register a large capacity magazine and a form for proof of registration.¹⁰

When the Superintendent receives an application to register a large capacity magazine submitted under the bill, the Superintendent must review the application, or cause it to be reviewed, issue proof of registration to the applicant, and enter the application and proof of registration into the registry.¹¹

HISTORY

Action	Date
Introduced	09-24-19

H0349-I-133

⁷ R.C. 2923.192(C).

⁸ R.C. 109.5731(B) and 109.52.

⁹ R.C. 109.5731(C)(1).

¹⁰ R.C. 109.5731(C)(2).

¹¹ R.C. 109.5731(D).