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## Substitute Bill Comparative Synopsis

### Sub. H.B. 51

### 135<sup>th</sup> General Assembly

### House Government Oversight

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_135_0575-12)
<b>Handgun braces</b>	
Adds to the definition of “handgun” for purposes of the Weapons Control Law “any firearm with an affixed brace, stabilizing device, arm brace, or pistol brace” and any combination of parts from which such a firearm can be assembled (R.C. 2923.11(C)(2)).	Specifies that the definition of “handgun” <i>includes</i> “a handgun with an affixed brace, stabilizing device, arm brace, or pistol brace” (R.C. 2923.11(C)(2)).
<b>Sawed-off firearms</b>	
Specifies that “sawed-off firearm” for purposes of the Weapons Control Law does not include a handgun and eliminates a reference to the federal Gun Control Act of 1968 while maintaining an exception from the definition of sawed-off firearm for a firearm with an overall length of at least 26 inches that is approved for sale by the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) (R.C. 2923.11(F)).	Same provision, but removes the reference to ATF approval (R.C. 2923.11(F)).

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<b>Dangerous ordnance</b>	
<p>Eliminates references to the federal Gun Control Act of 1968, including an exception to the prohibition on dangerous ordnance for devices expressly excepted from the definition of destructive device under that law, while maintaining an exception from the definition of “dangerous ordnance” for a firearm with an overall length of at least 26 inches that is approved for sale by the ATF (<i>R.C. 2923.11(L)(6), repealed, and (7)</i>).</p> <p>Specifies that any <i>firearm</i> with an affixed brace, stabilizing device, arm brace, or pistol brace is not “dangerous ordnance” (<i>R.C. 2923.11(L)(7)</i>).</p>	<p>Same provision, but restores the exception to the prohibition on dangerous ordnance for devices expressly excepted from the definition of destructive device under <i>any state or federal law</i>, and removes the reference to ATF approval from the exception from the definition of “dangerous ordnance” for a firearm with an overall length of at least 26 inches (<i>R.C. 2923.11(L)(6) and (7)</i>).</p> <p>Specifies that any <i>handgun</i> with an affixed brace, stabilizing device, arm brace, or pistol brace is not “dangerous ordnance” (<i>R.C. 2923.11(L)(8)</i>).</p>
<b>Declaration of infringements and invalidation of federal law</b>	
<p>Specifies a number of federal acts, laws, executive orders, administrative orders, rules, and regulations to be considered infringements on the people’s right to keep and bear arms (<i>R.C. 2923.50(C)</i>).</p>	<p>No provision.</p>
<p>Declares all federal acts, laws, executive orders, administrative orders, rules, and regulations that infringe on the people’s right to keep and bear arms to be invalid, not recognized, specifically rejected, and not enforced in Ohio (<i>R.C. 2923.50(D)</i>).</p>	<p>No provision.</p>
<p>Specifies that it is the duty of the courts and law enforcement agencies of Ohio to protect the rights of law-abiding citizens to keep and bear arms within the borders of Ohio and to protect these rights from the infringements defined under the bill (<i>R.C. 2923.50(E)</i>).</p>	<p>No provision.</p>
<p>Makes broad declarations concerning interactions between the federal government and the several states, including a declaration that if the federal government assumes powers that the people did not grant it in the Constitution of the United States, its acts are unauthoritative, void, and of no force (<i>R.C. 2923.50(B)(4)</i>).</p>	<p>Same provision, but removes the word “void” from the particular declaration mentioned in the left column so those acts by the federal government are now considered to be simply “. . . unauthoritative and of no force” (<i>R.C. 2923.50(L)(4)</i>).</p>

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<b>Civil action against state or political subdivision</b>	
<p>States that no law enforcement officer has the authority to enforce or attempt to enforce any federal acts, laws, executive orders, administrative orders, rules, regulations, statutes, or ordinances infringing on the right to keep and bear arms as described in the bill (<i>R.C. 2923.50(F)(1)</i>).</p> <p>Notwithstanding existing state law on state and political subdivision immunity, creates a civil penalty of \$50,000 per occurrence against the state or any political subdivision that employs a law enforcement officer who knowingly violates the above prohibition or otherwise knowingly deprives a citizen of Ohio of the rights or privileges ensured by the Second Amendment of the U.S. Constitution or Article I, Section 4 of the Ohio Constitution while acting under color of any state or federal law (<i>R.C. 2923.50(F)(2)</i>).</p> <p>Subjects the state or any political subdivision to a \$50,000 civil penalty for knowingly employing an individual who is acting as or previously acted as an official, agent, employee, or deputy of the U.S. government, or otherwise under the color of federal law in Ohio and who knowingly enforces or attempts to enforce any of the infringements identified in the bill or gives material aid or support to the efforts of another to do so (<i>R.C. 2923.50(G)(1)</i>).</p> <p>Creates an individual cause of action against a law enforcement officer of the state or of a political subdivision of the state that has violated the bill's provisions and specifies that sovereign immunity is not a defense in such actions (<i>R.C. 2923.50(G)(2)</i>).</p>	<p>Prohibits a public office, public officer, or employee of the state or a political subdivision from enforcing, attempting to enforce, or participating in any way in the enforcement of any federal acts, executive orders, administrative orders, rules, regulations, statutes, or ordinances regarding firearms, firearm accessories, or ammunition or from acceding to a request from another to give material aid or support to the efforts of the other in such enforcement or implementation (<i>R.C. 2923.50(B) and (C)</i>).</p> <p>Maintains the civil penalty, but only for violations of the provisions set out above (<i>R.C. 2923.50(E)(1)</i>).</p> <p>Subjects the state or any political subdivision to the same \$50,000 civil penalty for knowingly employing the same individuals, but for knowingly enforcing or attempting to enforce, or participating in any way in the enforcement or implementation of any federal acts, laws, executive orders, rules, regulations, statutes, or ordinances regarding firearms, firearm accessories, or ammunition, or giving material aid or support to the efforts of another to do so (<i>R.C. 2923.50(F)(1)</i>).</p> <p>Contains the individual cause of action, and specifies generally that sovereign immunity is not an affirmative defense to an action pursuant to the bill (<i>R.C. 2923.50(D) and (F)(2)</i>).</p>

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No provision.	Specifies that civil provisions in the bill must be strictly construed against the state and liberally construed in favor of the rights of law-abiding citizens ( <i>R.C. 2923.50(K)(2)</i> ).
<b>Acceptable interactions with federal officials</b>	
<p>Provides that nothing in the provisions enacted in the bill is to be construed to prohibit public officers or employees of the state or a political subdivision from accepting aid from federal officials in an effort to enforce laws of Ohio or of a political subdivision (<i>R.C. 2923.50(H)</i>).</p>	<p>Adds that requesting aid in those circumstances is also acceptable and limits the allowance to either of the following (<i>R.C. 2923.50(A) and (G)</i>):</p> <ul style="list-style-type: none"> <li>▪ Referring firearm cases to any United States attorney for potential prosecution if such case is a “violent felony offense” (a defined term) and if that prosecution would entail prosecution of specified Ohio law violations involving the use of a weapon, provided that such weapons violations are merely ancillary to that prosecution.</li> <li>▪ Participating with federal law enforcement to enforce laws of the state or a political subdivision in any national integrated ballistic information network investigation or lead, or distributing those leads, whether or not through a crime gun intelligence center.</li> </ul>
<p>Allows for the provision of material aid to federal prosecutions for felony crimes against a person and for Class A or B federal felonies substantially similar to those found in Ohio’s Drug Offenses Law when the prosecution includes weapons violations substantially similar to those found in Ohio’s Theft and Fraud Law or Ohio’s Weapons Control Law, so long as the weapons violations are merely ancillary to such prosecution (<i>R.C. 2923.50(J) with references to R.C. 2923.11 to 2923.25 and R.C. Chapters 2913 and 2925</i>).</p>	<p>Removes the allowance as it applies to crimes against a person and such Class A or B federal felonies when the prosecution includes weapons violations similar to those found in Ohio’s Theft and Fraud Law (<i>R.C. 2923.50(I) with references to R.C. 2923.11 to 2923.25 and R.C. Chapter 2925</i>).</p>
No provision.	Provides that nothing in the provisions enacted in the bill is to be construed to prohibit a public officer or employee of the state or a political subdivision from participating in an inter-jurisdictional task force for the purpose of

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	enforcing laws not related to firearms, firearm accessories, or ammunition ( <i>R.C. 2923.50(J)</i> ).
References to federal law	
<p>Eliminates various references to federal law to achieve the following result:</p> <p>Narrows a provision that provides for the automatic revocation of concealed handgun rights so that it applies only if the subject of the revocation has a firearms disability under Ohio law (<i>R.C. 2923.111(A)(2)(b) and (C)(2)</i>).</p> <p>Eliminates a requirement, to be excluded from the prohibition on carrying firearms into a school safety zone, that the person be in the school safety zone in accordance with federal law<sup>1</sup> (<i>R.C. 2923.122(D)(3)(c)</i>).</p> <p>Removes a requirement that, to be excluded from prohibitions related to dangerous ordnance, a licensed importer, manufacturer, or dealer of destructive devices must be licensed under specified federal law, and the requirement that they acquire, possess, carry, or use those destructive devices under applicable federal law, so long as they are acquiring, possessing, carrying, or using dangerous ordnance under Ohio law (<i>R.C. 2923.17(C)(3)</i>).</p> <p>Eliminates a requirement that persons sold, loaned, or given surplus ordnance by the Secretary of the Army receive that federal ordnance pursuant to specified federal law in order to be excluded from prohibitions related to dangerous ordnance (<i>R.C. 2923.17(C)(4)</i>).</p>	<p>Similarly eliminates or modifies various references to federal law to achieve the following result:</p> <p>Restores the current law reference to federal law so that federal firearms disability, as defined in federal law on the effective date of the bill, can trigger automatic revocation (<i>R.C. 2923.111(A)(2)(b) and (C)(2)</i>).</p> <p>Replaces the requirement with a requirement that the person be in compliance with any applicable state or federal law (<i>R.C. 2923.122(D)(3)(c)</i>).</p> <p>Alternatively allows a licensed importer, manufacturer, or dealer of destructive devices to acquire, possess, carry, or use dangerous ordnance in compliance with Ohio law or applicable federal law (<i>R.C. 2923.17(C)(3)</i>).</p> <p>Additionally requires compliance with any applicable state or federal law to be excluded from the prohibitions (<i>R.C. 2923.17(C)(4)</i>).</p>

<sup>1</sup> 18 United States Code 922(q)(2)(B).

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<p>Eliminates a requirement that owners of dangerous ordnance registered in the National Firearms Registration and Transfer Record be registered pursuant to specified federal law in order to be excluded from prohibitions related to dangerous ordnance (<i>R.C. 2923.17(C)(5)</i>).</p>	<p>Also eliminates the requirement that owners be registered in the National Firearms Registration and Transfer Record and instead requires compliance with any applicable state or federal law (<i>R.C. 2923.17(C)(5)</i>).</p>
<p>Eliminates a requirement that carriers, warehouses, and others engaged in the business of transporting or storing goods for hire comply with applicable federal law, effectively requiring only compliance with state law to be excluded from prohibitions related to dangerous ordnance with respect to dangerous ordnance lawfully transported or stored in the usual course of business (<i>R.C. 2923.17(C)(6)</i>).</p>	<p>Allows those carriers, warehouses, and others to avail themselves to the exclusion by complying with <i>either</i> Ohio law or applicable federal law (<i>R.C. 2923.17(C)(6)</i>).</p>