



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

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Sub. H.B. 228

132nd General Assembly
(H. Federalism & Interstate Relations)

This table summarizes how Sub. H.B. 228, L_132_0595-7, differs from the latest substitute version of the bill, L_132_0595-10 (which includes the provisions in the amendment, am_132_1327, adopted on February 13, 2018). 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.

Topic	Sub. Version (L_132_0595-7)	Sub. Version (L_132_0595-10)
Evidence presented for self-defense, defense of another, or defense of that person's residence	Specifies that if evidence is presented in a criminal action that tends to support that the accused used the force in self-defense, defense of another, or defense of that person's residence, the prosecution must prove beyond a reasonable doubt that the force used was not in self-defense, defense of another, or defense of that person's residence (<i>R.C. 2901.05(B)(1)</i>).	Specifies that if evidence is presented in a criminal action upon which a factfinder could rationally find, when viewed in the light most favorable to the accused, that the accused used force in self-defense, defense of another, or defense of that person's residence, the prosecution must prove beyond a reasonable doubt that the force used was not in self-defense, defense of another, or defense of that person's residence (<i>R.C. 2901.05(B)(1)</i>).
Limitations on use of self-defense, defense of another, or defense of that person's residence	No provision.	Prohibits the use of the affirmative defense of self-defense, defense of another, or defense of that person's residence in tort and criminal actions by any of the following (<i>R.C. 2307.601(D)</i> , <i>2901.05(B)(1)</i> , and <i>2901.09(D)</i>):

Topic	Sub. Version (L_132_0595-7)	Sub. Version (L_132_0595-10)
		<p>A person who uses force during an attempted commission, commission, or escape after the commission of a felony offense of violence;</p> <ul style="list-style-type: none"> • A person who uses force after initially provoking another (aggressor) to use force or the threat of force unless either of the following apply: (1) the aggressor's use of force or threat of force is sufficient for the person to reasonably believe that the person is in imminent danger of death or great bodily harm, and the person has exhausted all reasonable means of escape except for the use of force or threat of force which is likely to cause death or great bodily harm to the aggressor, or (2) the aggressor's use of force or threat of force continues or resumes after the person, in good faith, withdraws from physical contact and clearly indicates the desire to withdraw and terminate the use of force or threat of force; • A person who uses force while resisting an unlawful arrest if both of the following apply: (1) the person uses force against a peace officer, and (2) the person knows the person making the unlawful arrest is a peace officer; • A person who uses force while resisting a lawful arrest if either of the following apply: (1) the person uses force against the person making the arrest, or (2) the person uses force against the person assisting in making the arrest;



Topic	Sub. Version (L_132_0595-7)	Sub. Version (L_132_0595-10)
	No provision.	<ul style="list-style-type: none"> • A person who uses force against a peace officer or person assisting a peace officer if the peace officer is acting within the scope of the peace officer's official duties; • A person who uses force while under a weapons disability. <p>Specifies that a person may use any common law affirmative defense that was available to the person prior to the effective date of the act, even if the person is prohibited from using the affirmative defense of self-defense, defense of another, or defense of that person's residence in tort or criminal actions under the act as described above (<i>R.C. 2307.601(E) and 2901.09(E)</i>).</p>
Unlawful transactions in weapons	No provision.	<p>Expands the current law offense of unlawful transactions in weapons to include the following acts:</p> <ul style="list-style-type: none"> • A person is prohibited from knowingly soliciting, persuading, encouraging, or enticing a federally licensed firearms dealer or a private seller to transfer a firearm or ammunition in a manner prohibited by state or federal law (<i>R.C. 2923.20(A)(3)</i>). • A person is prohibited from knowingly providing "materially false information" to a federally licensed firearms dealer or private seller. "Materially false information" is defined as information relating to the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal (<i>R.C. 2923.20(A)(4) and (D)(3)</i>).

Topic	Sub. Version (L_132_0595-7)	Sub. Version (L_132_0595-10)
		<ul style="list-style-type: none"> • A person is prohibited from knowingly procuring, soliciting, persuading, encouraging, or enticing another person to commit the above offenses (R.C. 2923.20(A)(5)). <p>Sets the penalty for the above offenses as a third degree felony (R.C. 2923.20(C)).</p> <p>Excepts the following individuals from the above offenses:</p> <ul style="list-style-type: none"> • A law enforcement officer acting within the scope of the officer's duties (R.C. 2923.20(B)(1)); • A person acting in accordance with directions given by a law enforcement officer (R.C. 2923.20(B)(2)).
Exclusion of certain firearms from definitions	No provision.	Specifies that the current law definitions of "sawed-off firearm" and "dangerous ordnance" do not include a firearm that meets all of the following criteria: (1) the overall length of the firearm is at least 26 inches, (2) the firearm is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives under the Gun Control Act of 1968, and (3) the firearm is found not to be regulated by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives under the National Firearms Act (R.C. 2923.11(F) and (L)(7)).

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