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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

H.B. 320  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. West

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### SUMMARY

- Prohibits a federally licensed firearms dealer from transferring a firearm while a background check is pending unless 30 days have elapsed from the date the background check was requested.

### DETAILED ANALYSIS

#### Background checks

Under the bill, a federally licensed firearms dealer must comply with federal law regarding the transfer of firearms.<sup>1</sup> The Gun Control Act of 1968 prohibits a federally licensed firearms dealer from transferring a firearm to a person who is not licensed unless all of the following have occurred:<sup>2</sup>

1. The federally licensed firearms dealer contacts the National Instant Criminal Background Check System (NICS).
2. The federally licensed firearms dealer confirms the person's identity by examining a valid identification document containing a photograph of the person.
3. The status of NICS is one of the following:
  - a. NICS provides the federally licensed firearms dealer with a unique identification number, indicating that the receipt of a firearm by the person would not violate state or federal law.

<sup>1</sup> R.C. 2923.25(B).

<sup>2</sup> 18 United States Code 922(t).

- b. NICS has not notified the federally licensed firearms dealer that the receipt of a firearm by the person would violate state or federal law, and three business days have elapsed since the federally licensed firearms dealer contacted NICS.

The bill prohibits a federally licensed firearms dealer from transferring a firearm to any person regarding whom NICS has not provided a unique identification number unless 30 days have elapsed since the date the federally licensed firearms dealer contacted NICS, notwithstanding the federal law requirement in (3)(b) above.<sup>3</sup>

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## HISTORY

Action	Date
Introduced	08-13-19

H0320-I-133/ec

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<sup>3</sup> R.C. 2923.25(B).