

As Introduced

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H. B. No. 346

Representative Dell'Aquila

**Cosponsors: Representatives Somani, Mohamed, Brewer, Brennan, Russo,
McNally, Forhan, Miller, A., Grim**

A BILL

To amend section 2923.11 and to enact section 1
2923.191 of the Revised Code to create the 2
offense of unlawful manufacture, purchase, or 3
sale of an auto seat. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2923.11 be amended and section 5
2923.191 of the Revised Code be enacted to read as follows: 6

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 7
the Revised Code: 8

(A) "Deadly weapon" means any instrument, device, or thing 9
capable of inflicting death, and designed or specially adapted 10
for use as a weapon, or possessed, carried, or used as a weapon. 11

(B) (1) "Firearm" means any deadly weapon capable of 12
expelling or propelling one or more projectiles by the action of 13
an explosive or combustible propellant. "Firearm" includes an 14
unloaded firearm, and any firearm that is inoperable but that 15
can readily be rendered operable. 16

(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.

(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. "Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but that is found by the bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a).

(G) "Zip-gun" means any of the following:	46
(1) Any firearm of crude and extemporized manufacture;	47
(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;	48 49 50
(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.	51 52 53 54
(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.	55 56 57 58 59 60 61 62
(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.	63 64 65 66
(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.	67 68
(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:	69 70
(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	71 72
(2) Any explosive device or incendiary device;	73

- (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 74
cyclonite, TNT, picric acid, and other high explosives; amatol, 75
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 76
high explosive compositions; plastic explosives; dynamite, 77
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 78
liquid-oxygen blasting explosives, blasting powder, and other 79
blasting agents; and any other explosive substance having 80
sufficient brisance or power to be particularly suitable for use 81
as a military explosive, or for use in mining, quarrying, 82
excavating, or demolitions; 83
- (4) Any firearm, rocket launcher, mortar, artillery piece, 84
grenade, mine, bomb, torpedo, or similar weapon, designed and 85
manufactured for military purposes, and the ammunition for that 86
weapon; 87
- (5) Any firearm muffler or suppressor; 88
- (6) Any part or combination of parts that is intended by 89
the owner for use in converting any firearm or other device into 90
a dangerous ordnance, including an auto sear. 91
- (L) "Dangerous ordnance" does not include any of the 92
following: 93
- (1) Any firearm, including a military weapon and the 94
ammunition for that weapon, and regardless of its actual age, 95
that employs a percussion cap or other obsolete ignition system, 96
or that is designed and safe for use only with black powder; 97
- (2) Any pistol, rifle, or shotgun, designed or suitable 98
for sporting purposes, including a military weapon as issued or 99
as modified, and the ammunition for that weapon, unless the 100
firearm is an automatic or sawed-off firearm; 101
- (3) Any cannon or other artillery piece that, regardless 102

of its actual age, is of a type in accepted use prior to 1887, 103
has no mechanical, hydraulic, pneumatic, or other system for 104
absorbing recoil and returning the tube into battery without 105
displacing the carriage, and is designed and safe for use only 106
with black powder; 107

(4) Black powder, priming quills, and percussion caps 108
possessed and lawfully used to fire a cannon of a type defined 109
in division (L) (3) of this section during displays, 110
celebrations, organized matches or shoots, and target practice, 111
and smokeless and black powder, primers, and percussion caps 112
possessed and lawfully used as a propellant or ignition device 113
in small-arms or small-arms ammunition; 114

(5) Dangerous ordnance that is inoperable or inert and 115
cannot readily be rendered operable or activated, and that is 116
kept as a trophy, souvenir, curio, or museum piece; 117

(6) Any device that is expressly excepted from the 118
definition of a destructive device pursuant to the "Gun Control 119
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 120
and regulations issued under that act; 121

(7) Any firearm with an overall length of at least twenty- 122
six inches that is approved for sale by the federal bureau of 123
alcohol, tobacco, firearms, and explosives under the "Gun 124
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but 125
that is found by the bureau not to be regulated under the 126
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 127
5845(a). 128

(M) "Explosive" means any chemical compound, mixture, or 129
device, the primary or common purpose of which is to function by 130
explosion. "Explosive" includes all materials that have been 131

classified as division 1.1, division 1.2, division 1.3, or 132
division 1.4 explosives by the United States department of 133
transportation in its regulations and includes, but is not 134
limited to, dynamite, black powder, pellet powders, initiating 135
explosives, blasting caps, electric blasting caps, safety fuses, 136
fuse igniters, squibs, cordeau detonant fuses, instantaneous 137
fuses, and igniter cords and igniters. "Explosive" does not 138
include "fireworks," as defined in section 3743.01 of the 139
Revised Code, or any substance or material otherwise meeting the 140
definition of explosive set forth in this section that is 141
manufactured, sold, possessed, transported, stored, or used in 142
any activity described in section 3743.80 of the Revised Code, 143
provided the activity is conducted in accordance with all 144
applicable laws, rules, and regulations, including, but not 145
limited to, the provisions of section 3743.80 of the Revised 146
Code and the rules of the fire marshal adopted pursuant to 147
section 3737.82 of the Revised Code. 148

(N) (1) "Concealed handgun license" or "license to carry a 149
concealed handgun" means, subject to division (N) (2) of this 150
section, a license or temporary emergency license to carry a 151
concealed handgun issued under section 2923.125 or 2923.1213 of 152
the Revised Code or a license to carry a concealed handgun 153
issued by another state with which the attorney general has 154
entered into a reciprocity agreement under section 109.69 of the 155
Revised Code. 156

(2) A reference in any provision of the Revised Code to a 157
concealed handgun license issued under section 2923.125 of the 158
Revised Code or a license to carry a concealed handgun issued 159
under section 2923.125 of the Revised Code means only a license 160
of the type that is specified in that section. A reference in 161
any provision of the Revised Code to a concealed handgun license 162

issued under section 2923.1213 of the Revised Code, a license to 163
carry a concealed handgun issued under section 2923.1213 of the 164
Revised Code, or a license to carry a concealed handgun on a 165
temporary emergency basis means only a license of the type that 166
is specified in section 2923.1213 of the Revised Code. A 167
reference in any provision of the Revised Code to a concealed 168
handgun license issued by another state or a license to carry a 169
concealed handgun issued by another state means only a license 170
issued by another state with which the attorney general has 171
entered into a reciprocity agreement under section 109.69 of the 172
Revised Code. 173

(O) "Valid concealed handgun license" or "valid license to 174
carry a concealed handgun" means a concealed handgun license 175
that is currently valid, that is not under a suspension under 176
division (A)(1) of section 2923.128 of the Revised Code, under 177
section 2923.1213 of the Revised Code, or under a suspension 178
provision of the state other than this state in which the 179
license was issued, and that has not been revoked under division 180
(B)(1) of section 2923.128 of the Revised Code, under section 181
2923.1213 of the Revised Code, or under a revocation provision 182
of the state other than this state in which the license was 183
issued. 184

(P) "Misdemeanor punishable by imprisonment for a term 185
exceeding one year" does not include any of the following: 186

(1) Any federal or state offense pertaining to antitrust 187
violations, unfair trade practices, restraints of trade, or 188
other similar offenses relating to the regulation of business 189
practices; 190

(2) Any misdemeanor offense punishable by a term of 191
imprisonment of two years or less. 192

(Q) "Alien registration number" means the number issued by 193
the United States citizenship and immigration services agency 194
that is located on the alien's permanent resident card and may 195
also be commonly referred to as the "USCIS number" or the "alien 196
number." 197

(R) "Active duty" has the same meaning as defined in 10 198
U.S.C. 101. 199

(S) "Auto sear" means any part or combination of parts 200
that is designed to convert a weapon to automatically discharge 201
more than one round without manual reloading, by a single 202
function of the trigger. 203

Sec. 2923.191. (A) No person shall knowingly manufacture, 204
purchase, sell, transfer, distribute, or import an auto sear. 205

(B) Division (A) of this section does not apply to any of 206
the following: 207

(1) Officers, agents, or employees of this or any other 208
state or the United States, members of the armed forces of the 209
United States or the organized militia of this or any other 210
state, and law enforcement officers, to the extent that any such 211
person is authorized to manufacture, purchase, sell, transfer, 212
distribute, or import auto sears and is acting within the scope 213
of the person's duties; 214

(2) Importers, manufacturers, and dealers having a license 215
to deal in firearms or their ammunition, issued and in effect 216
pursuant to the "Gun Control Act of 1968," 18 U.S.C. 923, as 217
amended or reenacted, with respect to auto sears lawfully 218
manufactured, purchased, sold, transferred, distributed, or 219
imported under the laws of this state and applicable federal 220
law; 221

(3) Carriers, warehouses, and others engaged in the 222
business of transporting or storing goods for hire, with respect 223
to auto sears lawfully transported or stored in the usual course 224
of their business and in compliance with the laws of this state 225
and applicable federal law; 226

(4) The holders of a license or temporary permit issued 227
and in effect pursuant to section 2923.18 of the Revised Code, 228
with respect to auto sears lawfully purchased, sold, 229
transferred, distributed, or imported for the purposes and in 230
the manner specified in such license or permit. 231

(C) Whoever violates division (A) of this section is 232
guilty of unlawful manufacture, purchase, or sale of an auto 233
sear, a felony of the fifth degree. 234

Section 2. That existing section 2923.11 of the Revised 235
Code is hereby repealed. 236