

Ohio State Law
OH Revised Code
Title 29. Crimes - Procedure

Chapter 2923. Weapons Control

2923.11. Definitions. As used in sections 2923.11 to 2923.24 of the Revised Code:

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

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

(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 firearm designed to be fired while being held in one hand.

(D) **"Semi-automatic firearm"** means any firearm designed or specifically 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. **"Automatic firearm"** also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) **"Sawed-off firearms"** 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.

(G) **"Zip-gun"** means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(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 firearm;

(3) Any industrial tool, signaling 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. * * * *

(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. * * * *

(K) **"Dangerous ordnance"** means any of the following, except as provided in division (L) of this section:

(1) Any automatic or sawed-off firearm, zipgun * * * ;

- (2) Any explosive device or incendiary device;
- (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;
- (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
- (5) Any firearm muffler or silencer;
- (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.
- (L) **"Dangerous ordnance"** does not include any of the following:
 - (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
 - (2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed off firearm;
 - (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
 - (4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
 - (5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece.
 - (6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (a)(4), as amended, and regulations issued thereunder. * * * *

2923.13. Having Weapons While Under Disability.

- (A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply.
 - (1) The person is a fugitive from justice;
 - (2) The person is under indictment for or has been convicted of any felony of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.

(3) The person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a juvenile delinquent for the commission of an offense that, if committed by an adult, would have been an offense involving the illegal possession, use, sale, administration, distribution or trafficking in any drug of abuse.

(4) The person is drug dependent or in danger of drug dependence, or a chronic alcoholic;

(5) The person is under adjudication of mental incompetence.

(B) No person who has been convicted of a felony of the first or second degree shall violate division (A) of this section within five years of the date of the person's release from imprisonment or from post-release control that is imposed for the commission of a felony of the first or second degree.

(C) Whoever violates this section is guilty of having weapons while under disability. A violation of division (A) of this section is a felony of the fifth degree. A violation of division (B) of this section is a felony of the third degree.

2923.14. Relief from Disability. (A) Any person who, solely by reason of his disability under division (A)(2) or (3) of section 2923.13 of the Revised Code, is prohibited from acquiring, having, carrying, or using firearms, may apply to the court of common pleas in the county where he resides for relief from such prohibition. * * * **[Contact county authorities for application information.] * * * ***

2923.17. Unlawful Possession of Dangerous Ordnance.

(A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance. * * * *

(C) Division (A) of this section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of the person's duties;

(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder;

(6) Carriers, warehousemen, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit.

(D) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a felony of the fourth degree. * * *

2923.18. License or Permit to Possess Dangerous Ordnance.

(A) Upon application to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes: * * * *

(3) Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by any such person while acting within the scope of his duties;

(5) In the discretion of the issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or other proper purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business. * * * **[Contact local Ohio authority for application and fee requirements.]**

(C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and ensure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.

(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date,

if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the issuing authority considers advisable to protect the security of the dangerous ordnance and ensure the safety of persons and property.

(E) A temporary permit shall be issued for the casual use of explosives and explosive devices, and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance, or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the issuing authority may specify such expiration date, not earlier than one year from the date of issuance, as it considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(F) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the state. The holder of a license may use such dangerous ordnance anywhere in the state. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the issuing authority. * * * *

2923.20. Unlawful Transactions in Weapons.

(A) No person shall:

(1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section; * * * *

(4) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(5) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A)(1) or (2) of this section is a felony of the fourth degree. A violation of division (A)(3) or (4) of this section is a misdemeanor of the second degree. A violation of division (A)(5) of this section is a misdemeanor of the fourth degree.

2923.21. Improperly Furnishing Firearms to a Minor.

(A) No person shall do any of the following:

(1) Sell any firearm to a person under eighteen years of age;

(2) Sell any handgun to a person under twenty-one years of age;

(3) Furnish any firearm to a person under age eighteen years of age or any handgun to a person who is under twenty-one years of age, except for lawful hunting, sporting, or educational purposes, including, but not limited to instruction in firearms safety, care, handling, or marksmanship under the

supervision or control of a responsible adult;

(4) Sell or furnish a firearm to a person who is eighteen years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the firearm for the purpose of selling the firearm in violation of division (A)(1) of this section to a person who is eighteen years of age or for the purpose of furnishing the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;

(5) Sell or furnish a handgun to a person who is twenty-one years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the handgun for the purpose of selling the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or for the purpose of furnishing the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age;

(6) Purchase or attempt to purchase any firearm with the intent to sell the firearm in violation of division (A)(1) for this section to a person who is under eighteen years of age or with the intent to furnish the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;

(7) Purchase or attempt to purchase any handgun with the intent to sell the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or with the intent to furnish the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a felony in the fifth degree.

2923.211. Underage Purchase of Firearm or Handgun.

(A) No person under eighteen years of age shall purchase or attempt to purchase a firearm.

(B) No person under twenty-one years of age shall purchase or attempt to purchase a handgun.

(C) Whoever violates division (A) of this section is guilty of underage purchase of a firearm, is a delinquent child, as is subject to an order of disposition as provided in section 2151.355 of the Revised Code. Whoever violates division (B) of this section is guilty of underage purchase of a handgun, a misdemeanor of the second degree.

2023.22. Permitted Interstate Transactions in Firearms.

(A) Any resident of Ohio age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or any applicable law of another state or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia.

(B) Any resident of Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia, age eighteen or over, and not prohibited by section 2923.13 or 2323.15 of the Revised Code or the laws of his domicile or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Ohio.

(C) Any purchase and sale pursuant to this section shall be for such purposes

and under such circumstances and upon such conditions as are prescribed by the "Gun Control Act of 1968," 82 Stat, 1213, 18 U.S.C. 922(b)(3), and any amendments or additions thereto or reenactments thereof.

THE CITIES LISTED BELOW HAVE ENACTED EXTRACTS OF OHIO STATE LAW.

"(R)" means repealed, "*" means an additional listing.

OHIO CODE SEC:	AKRON* Sec:	ASHLAND Sec:	AVON LAKE Sec:	BAY VILLAGE Sec:	BEACH- WOOD Sec:	BELLE- FONTAIN Sec:	BROOK PARK Sec:	BUCYRUS Sec:	CANTON Sec:	DAYTON* Sec:
2923	137	549	672	549	672	549	549	549	549	138
.11	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01
.17		(R)		.05	(R)	(R)	(R)	(R)	(R)	
.18	.06		.05		.07					
.20		.06	.07	.07	.09	.07	.07	.07	.07	.06
.21		.07	.08	.08	.10	.08	.08	.08	.08	.07

OHIO CODE SEC:	DELA- WARE Sec:	FAIR- FIELD Sec:	GREEN- VILLE Sec:	KENT* Sec:	KETTER- ING Sec:	LYND- HURST Sec:	MAYFIELD HEIGHTS* Sec:	MANS- FIELD Sec:	MAS- SILLON Sec:	MIAMIS- BURG Sec:
2923	549	549	672	549	672	672	549	549	549	549
.11	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01
.17			(R)	.05	.05	(R)	.05			(R)
.18			.07		.07	.07				
.20	.06	.06	.09	.07	.09	.09	.07	.06	.06	.07
.21	.07	.07	.10	.08	.10	.10	.08	.07	.07	.08

OHIO CODE SEC:	NORTH CANTON Sec:	N.RIDGE- VILLE Sec:	PARMA HEIGHTS Sec:	PIQUA Sec:	RAVENNA Sec:	REYNOLDS- BURG Sec:	SEVEN HILLS Sec:	SHAKER HEIGHTS* Sec:	SOUTH EUCLID* Sec:	STOW Sec:
2923	549	513	672	134	549	549	549	749	672	137
.11	.01	.01	.01	.01		.01	.01	.01	.01	.01
.17				.06			(R)	(R)	(R)	.16
.18			.07						.07	.06
.20	.06	.06		.08	.07	.06	.07	.07	.09	.08
.21	.07	.07		.09	.08	.07	.08	.08	.10	.09

OHIO CODE SEC:	SYLVANIA Sec:	TOLEDO* Sec:	WARREN Sec:	WASH- INGTON Sec:	WHITE- HALL* Sec:	WESTER- VILLE Sec:	WORTH- INGTON Sec:	ZANES- VILLE Sec:
2923		549	549	549	549	523	549	549
.11		.01	.01	.01	.01	.01	.01	.01
.17			(R)	(R)	.05	(R)		(R)
.18								
.20		.06	.06	.07	.07	.07	.06	.07
.21		.07	.07	.08	.08	.08	.07	.08

Cincinnati

Chapter 708. Cincinnati Municipal Code,
Dangerous Weapons and * * *.

708-1. Definitions. For purposes of this chapter, the following words shall have the following meanings:

7-8-1-A. "Deadly weapon" shall mean any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

708-1-B. "Firearm" shall mean any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. **"Firearm"** includes an unloaded firearm, and any firearm which is

inoperable but which can readily be rendered operable.

708-1-C. "Handgun" shall mean any firearm designed to be fired while being held in one hand, or any combination of parts from which it is possible to assemble a handgun.

708-1-D. "Dangerous weapon" shall mean any instrument, device or thing capable of inflicting death or serious physical injury and designed or specifically adapted for use as a weapon, including an * * * rifle, shotgun, revolver, pistol or * * * therefor, * * * or other device possessed, carried or used as a weapon.

708-1-E. "Person" shall mean any individual, or organization, or corporation doing business in the city of Cincinnati.

708-1-2. Aliens. No alien shall own, have in possession or under such aliens control a dangerous weapon or firearm.

708-3. Prevention of Distribution of Weapons and Firearms to Minors.

(A) No person shall knowingly and/or recklessly:

(1) Sell, barter, lend, provide or give to a minor under the age of 18 years a deadly weapon, dangerous weapon, firearm or handgun.

(2) Sell, barter, lend, provide or give to a person under the age of 21 years a handgun.

(3) Furnish any firearm to a person under the age of 18 years, except for purpose of lawful hunting, or for purposes of instruction in firearm safety, care, handling, or marksmanship under the supervision or control of a parent or legal guardian. * * * *

708-11. Restriction on Pawnbrokers. A dealer licensed under the provisions of Section 708-9 who carries on the business of pawnbroker or second-hand dealer shall not sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

708-13. Form of Application to Transfer Firearms. The city manager shall prescribe a form of application covering the purchase or transfer of firearms. Such form shall provide for the recording of the following facts:

(a) The name, address, and date of birth appearing on a state driver's license or state personal identification card of the transferee that is valid on its face and contains a photograph of the transferee, and a description of the identification card used.

(b) If the transferee is not personally known to the transferor, the name and address of the person by whom the transferee is identified;

(c) The purpose for which the transferee desires to use the firearm;

(d) An accurate description of the firearm, including the name of the manufacturer, model, caliber, and serial number;

(e) A description of the transferee, which shall include height, weight, age, color of hair, color of eyes, all visible marks and scars on face and hands, any deformity, nationality and race.

There shall be printed on the face or the back of the application such extracts from the city ordinances and from the laws of the state of Ohio, in-

cluding penalty provisions, as the city manager may deem desirable. The city manager shall furnish sets of such application blanks through the chief of police.

708-15. Restriction on Transfer of Firearms. No person shall transfer ownership of a firearm to any transferee unless such person has first verified the identity of the transferee by personally reviewing the transferee's valid driver's license and has required the transferee to fill out in full and sign an application blank as provided for in Section 708-13. No person shall transfer such firearm to any transferee with whom the transferor is not personally acquainted, unless such transferee is identified by a person who is personally known to the transferor.

The transferor shall mail the original of each application to the chief of police. One copy shall be delivered to the transferee and one preserved by the transferor. The transferor's copies of used application blanks, and all unused application blanks, shall be kept by the transferor so as to be open for inspection by city police officers at all times.

The provisions of this section and of Sections 708-13 and 708-22 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over 12 inches in length. * * * *

708-17. Sale of Handgun Ammunition. No person shall sell handgun ammunition to any purchase with whom the seller is not personally acquainted unless such purchaser is identified by the person with whom the seller is personally acquainted.

708.19. False Statements in Application. No person shall give any false information or make any false statements in any application or identification document or in any record or report.

708-33. Waiting Period for Transfer of * * * Firearms. * * * [Contact your city manager for specifics.]

708-37. Possession or Sale of Semi-automatic Firearms Prohibited.

(a) No person shall sell, deliver, rent, lease, offer or display for sale, or transfer ownership of, acquire or possess a semi-automatic firearm.

(b) No person shall sell, deliver, rent, lease, offer or display for sale, or transfer ownership of, acquire or possess any detachable magazine with the following capacities:

More than 10 rifle or carbine rounds; More than 5 shotgun rounds; More than 15 handgun rounds.

This section does not apply to any detachable magazine purchased or acquired for use with semi-automatic firearms registered pursuant to section (e)(3) of this ordinance.

(c) No person shall sell, deliver, rent, lease, offer or display for sale, or transfer ownership of, acquire or possess any extension tube, drum, cylinder, or magazine capable of increasing the capacity of a fixed or detachable magazine.

(d) This ordinance does not apply to law enforcement officers, agents, or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any

other state, if the acquisition or possession of a semi-automatic firearm is authorized and within the scope of his official duties.

(e) Any person who is legally in possession of a semi-automatic firearm that was legally purchased or acquired before April 1, 1989, shall within 30 days from the effective date hereof:

(1) Remove said semi-automatic firearm from within the city limits of Cincinnati; or

(2) Modify said semi-automatic firearm to either render it permanently inoperable or to permanently make it a device no longer defined as a semi-automatic firearm; or

(3) Register the firearm with the chief of police pursuant to such procedures as the city manager may establish.

The registration shall contain a description of the firearm including all identification marks, the full name, address, date of birth, and such other information as the city manager may deem appropriate. The information will be provided on forms prescribed by the city manager.

Any change of address of the owner must be registered with the chief of police within 14 days of the change.

The city manager may establish a fee for registration not to exceed the actual processing costs of the city.

(f) No semi-automatic firearm possessed pursuant to section (e)(3) above may be sold or transferred after the effective date of this ordinance to anyone within the city of Cincinnati.

(g) Any person who obtains title to a semi-automatic firearm by bequest or intestate succession must within 90 days comply with the requirements of section (e) of this ordinance.

(h) The term "**semi-automatic**" 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.

(i) For the purpose of this section, "**semi-automatic firearm**" shall have the following meanings:

(1) Any semi-automatic rifle or carbine that was originally designed with or has a fixed magazine or detachable magazine with a capacity of more than 10 rounds;

(2) Any semi-automatic shotgun that was originally designed with or has a fixed magazine or detachable magazine with a capacity of more than 5 rounds;

(3) Any semi-automatic handgun that was originally designed with or has a fixed magazine or detachable magazine with a capacity of more than 15 rounds;

(4) Any semi-automatic handgun that is a modification of a rifle, carbine, or shotgun as described in (1) and (2) above;

(5) Any firearm which may be readily restored to an operable semi-automatic firearm, as defined in (1) through (4) above;

(6) Any part, or combination of parts, designed or intended to convert a weapon into a semi-automatic firearm, as defined in (1) through (4) above, or any combination of parts from which a semi-automatic firearm may be readily assembled.

(j) Rifles or carbines which fire .22 caliber rimfire ammunition and have fixed, tubular magazines are exempt from this ordinance.

Any person who violates any provision of Section 708-37 is guilty of a misdemeanor of the first degree.

Cleveland

Chapter 627. Weapons and * * *

627.081. Prohibited Weapon Defined. For purposes of Section 627.082, a "prohibited weapon" is any weapon defined, described, or listed in any division of Section 627.01 other than division (a) or (1) of that section, division (a) or (b) of Section 627.06, division (a) of Section 627.14, division (a) or (b) of Section 627.15, division (a) of Section 627.17, or division (a) of Section 627.18.

627.082. Prohibited Weapons on School Property; Duty to Notify Police * * *
[Contact your city manager for specifics] * * * *

627.10. Possessing Certain Weapons at or About Public Places * * * [Contact your city manager for specifics.] * * * *

Chapter 627A. Possession of Firearms by Children

627A.01. Definitions. For purposes of this chapter:

(a) **"Firearms"** means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.
*** * * ***

Chapter 628. Possession or Sale of Assault Weapons Prohibited

628.01. Findings. The Council finds and declares that the proliferation and use of assault weapons is resulting in an ever-increasing wave of violence in the form of uncontrolled shootings in the City, especially because of an increase in drug trafficking and drug-related crimes, and poses a serious threat to the health, safety, welfare and security of the citizens of Cleveland.

The Council finds that the primary purpose of assault weapons is antipersonnel and any civilian application or use of such weapons is merely incidental to such primary antipersonnel purpose.

The Council further finds that the function of this type of weapon is such that any use as a recreational weapon is far outweighed by the threat that the weapon will cause injury and death to human beings.

Therefore, it is necessary to establish regulations to restrict the possession or sale of these weapons.

It is not the intent of the Council to place restrictions on the use of weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities.

628.02. Definitions. For the purpose of this chapter:

(a) **"Assault weapon" means:**

(1) Any semi-automatic action, centerfire rifle or carbine that accepts a detachable magazine with a capacity of 20 rounds or more;

(2) Any semi-automatic shotgun with a magazine capacity of more than six rounds;

(3) Any semi-automatic handgun that is:

A. A modification of a rifle described in division (a)(1), or a modification of an automatic firearm; or

B. Originally designed to accept a detachable magazine with a capacity of more than 20 rounds.

(4) Any firearm which may be restored to an operable assault weapon as defined in divisions (a)(1), (a)(2), or (a)(3).

(5) Any part, or combination of parts, designed or intended to convert a firearm into an assault weapon as defined in divisions (a)(1), (a)(2), or (a)(3), or any combination of parts from which an assault weapon as defined in divisions (a)(1), (a)(2), or (a)(3) may be readily assembled if those parts are in the possession or under the control of the same person.

(b) Assault weapon does not include any of the following:

(1) Any firearm that uses .22 caliber rimfire ammunition with a detachable magazine with a capacity of 30 rounds or less.

(2) Any assault weapon which has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(c) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

(d) "Deadly weapon" [same as 2923.11(A)]

(e) "Firearm" [same as 2923.11(B)]

(f) "Handgun" [same as 2923.11(C)]

(g) "Person" means any individual, corporation, company, association, firm, partnership, club or society, including wholesale and retail gun dealers.

(h) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(i) "Semi-automatic firearm" [same as 2923.11(D)]

(j) "Shotgun" means a firearm, whether or not it is intended to be fired from the shoulder, that is designed or redesigned, made or remade, to fire a fixed shotgun shell.

628.03. Unlawful Conduct.

(a) No person shall sell, offer or display for sale, give, lend or transfer ownership of, acquire or possess any assault weapon.

(b) This section shall not apply to any officer, agent, or employee of this or any other state or the United States or the organized militia of this or any other state, and law enforcement officers as defined in division (d) of Section 601.01, to the extent that any such person is authorized to acquire or possess an assault weapon and is acting within the scope of his duties. Further, this section shall not apply to the transportation of firearms through the City of Cleveland in accordance with federal law.

628.04. Seizure and Destruction of Assault Weapons. Any assault weapon is hereby declared to be contraband and shall be seized and disposed of in accordance with Section 2933.43 of the Revised Code.

628.99. Penalty. Whoever violates Section 628.03 is guilty of unlawful pos-

session of an assault weapon shall be sentenced to six months imprisonment and fined one thousand dollars (\$1,000.00) and no part of said sentence shall be reduced in any manner.

Columbus

2323.11. Definitions. As used in Chapter 2323 of the Columbus City Codes:

(A) **"Deadly weapon"** [same as 2923.11(A)]

(B) **"Firearm"** [same as 2923.11(B)]

(C) **"Handgun"** [same as 2923.11(C)]

(D) **"Semi-automatic firearm"** [same as 2923.11(D)]

(E) **"Automatic firearm"** [same as 2923.11(E)]

(F) **"Large capacity magazine"** means a box, drum, clip or other container which holds more than twenty rounds of ammunition to be fed continuously into a semi-automatic firearm, except a magazine designed to hold only .22 caliber cartridges.

(G) **"Assault weapon"** means any of the following:

(1) Any semi-automatic action, centerfire rifle or carbine that accepts a detachable magazine with a capacity of twenty rounds or more;

(2) Any semi-automatic shotgun with a magazine capacity of more than six rounds;

(3) Any semi-automatic handgun that is:

(a) A modification of a rifle described in Division (G)(1), or a modification of an automatic firearm or;

(b) Originally designed to accept a detachable magazine with a capacity of more than twenty rounds.

(4) any firearm which may be restored to an operable assault weapon as defined in Division (G)(1), (2) or (3) of this section.

(5) Any part, or combination of parts, designed, or intended to convert, a firearm into an assault weapon as defined in Division (G)(1), (2) or (3) of this section, or any combination of parts from which an assault weapon as defined in Division (G)(1), (2) or (3) of this section, may be readily assembled if those parts are in the possession or under the control of the same person.

(H) Assault weapon does not include any of the following:

(1) Any firearm that uses .22 caliber rimfire ammunition with a detachable magazine with a capacity of twenty rounds or less.

(2) Any assault weapon which has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(I) **"Antique firearm"** means any firearm manufactured prior to 1898.

(J) **"Curio or collectible firearm"** means any firearm manufactured fifty (50) or more years ago. (ORC 2923.11; Ord. 2535-94.)

2323.20. Unlawful Transactions in Weapons.

(A) No person shall:

(1) Knowingly exhibit for sale in a show window any firearm.

(2) Sell a firearm to another person unless a permit has been issued pursuant to Chapter 545 of the Columbus City Codes.

(3) Manufacture, possess for sale, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles,

cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(4) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm in such person's possession or under his control.

(B) The Safety Director shall have the power to promulgate rules and regulations, including permit fees, regarding application for, and issuance of, firearm purchase permits.

(C) This section does not apply to transactions involving firearms defined as antiques, curios, or collectibles.

(D) Whoever violates any provision of this section is guilty of unlawful transactions in weapons. Violation of Division (A)(1) or (A)(4) of this section is a misdemeanor of the fourth degree. Violation of Division (A)(3) of this section is a misdemeanor of the second degree. Violation of Division (A)(2) of this section is a misdemeanor of the first degree. (Ord. 2535-94.)

2323.21. Improperly Furnishing Firearms to a Minor.

(A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree. (ORC 2923.21; Ord. 2535-94.)

2323.31. Unlawful Possession of Assault Weapons.

(A) No person shall sell, offer or display for sale, give, lend or transfer ownership of, acquire or possess any assault weapon.

(B) This section does not apply:

(1) To law enforcement officers of the United States, the State, this City, and members of the armed forces of the United States or this state if such person is authorized to acquire or possess an assault weapon and is acting within the scope of his duties;

(2) To the transportation of firearms through the City of Columbus in accordance with federal law;

(3) To any person who lawfully possessed an assault weapon and who registered that assault weapon pursuant to former Columbus City Codes Section 2323.05 in 1989.

(C) Whoever violates this section is guilty of unlawful possession of assault weapons, a misdemeanor of the first degree. If the offender previously has been convicted under this section, upon the second conviction the Court shall impose a sentence of imprisonment of at least thirty days, which sentence is mandatory and may not be suspended, modified, or subject to probation during that thirty days period. If the offender has twice previously been convicted under this section, upon the third or more conviction the Court shall impose a sentence of imprisonment of at least ninety days, which sentence is mandatory and may not be suspended, modified, or subject to probation during that ninety day period. (Ord. 2535-94.)

2323.32. Unlawful Possession of a Large Capacity Magazine.

(A) No person shall knowingly possess a large capacity magazine.

(B)(1) This section does not apply to law enforcement officers of the United States, this State, or City, and members of the armed forces of the United States or this state, if such person is authorized to possess such large capacity magazine and is acting within the scope of his duties.

(2) This section does not apply to a large capacity magazine which belongs to a firearm or which is possessed by the owner of a firearm which is registered with federal authorities under the National Firearms Act (26 U.S.C.A. Secs. 5801-5871), or if the large capacity magazine belongs to or is a part of an assault weapon which has been registered under Section 2323.05(C) or has been rendered totally inoperable or inert and the firearm cannot be readily rendered operable or activated and which is kept as a trophy, souvenir, curio or museum piece.

(C) Whoever violates this section is guilty of unlawful possession of a large capacity magazine, a misdemeanor of the first degree. (Ord. 2535-94.)

Dayton

Assault Weapons

138.24. Definitions. For the purposes of §§ 138.24 to 138.27 the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "Assault weapon" means:

(1) Any rifle or carbine:

(a) With a detachable magazine capable of containing more than 10 rounds of ammunition, either inserted into the weapon or readily accessible, or;

(b) With a permanent magazine capable of containing more than 10 rounds of ammunition, or;

(c) Which is a modification of a rifle or carbine as defined in (A)(1)(a) or (b), above, so as to be able to be fired while being held in one hand.

(2) Any shotgun:

(a) With a detachable magazine capable of containing more than six rounds of ammunition, either inserted into the weapon or readily accessible, or;

(b) With a permanent magazine capable of containing more than 6 rounds of ammunition.

(3) Any handgun:

(a) With a detachable magazine capable of containing more than 20 rounds of ammunition, either inserted into the weapon or readily accessible, or;

(b) With a permanent magazine capable of containing more than 20 rounds of ammunition.

(4) Any firearm which may be easily restored to an operable assault weapon as defined in division (A)(1), (A)(2), or (A)(3).

(5) A rifle/carbine magazine, capable of containing more than 10 rounds of ammunition, or;

(a) A handgun magazine, capable of containing more than 20 rounds of ammunition, or;

(b) A shotgun magazine capable of containing more than six rounds of ammunition.

(6) Concerning sections (A)(1), (A)(2), (A)(3), (A)(4) and (A)(5); magazines

need not be loaded to be in violation of this chapter.

(B) Assault weapon does not include any of the following:

(1) any firearm that uses .22 caliber rimfire ammunition with a detachable or fixed magazine capable of containing 20 or fewer rounds of ammunition.

(2) Any assault weapon which has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(C) "**Automatic firearm**" means any firearm designed or specifically adapted to fire a succession of cartridges with a single function of the trigger.

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

(E) "**Firearm**" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "**Firearm**" includes an unloaded firearm and any firearm which is inoperable but which can be easily restored to an operable condition.

(F) "**Handgun**" means any firearm designed to be fired while being held in one hand.

(G) "**Person**" [same as 628.02(g), Cleveland]

(H) "**Rifle**" and or "**carbine**" means any firearm designed and intended to be fired from the shoulder and designed to use the energy of the explosive in a fixed cartridge to fire a single projectile through a rifle bore for each single pull of the trigger.

(I) "**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.

(J) "**Shotgun**" means any firearm, whether or not it is intended to be fired from the shoulder, originally designed to fire a fixed shotgun shell.

(K) "**Easily restored**" means any modification that can be done by hand or with the use of ordinary hand tools.

138.25. Prohibitions. No person shall sell, offer or display for sale, give, lend or transfer ownership of, acquire or possess any assault weapon.

138.251. Persons Exempt. Nothing in this section shall apply to any officer, agent, or employee of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers as defined in Ohio Revised Code section 2901.01 (K) to the extent that any such person is authorized to acquire or possess an assault weapon and is acting within the scope of his/her duties.

138.252. Safe Passage. The prohibition against an assault weapon(s) shall not apply when it is being transported through the City of Dayton, if such transportation is being made in accordance with 18 U.S.C. § 926A.

(A) Nothing in this section shall be construed as granting the right to carry a concealed weapon. * * * *

(B) Nothing in this section shall be construed as granting the right to transport a loaded firearm in a motor vehicle, or in a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle. * * * *

138.26. Seizure and Destruction of Assault Weapons. Any assault weapon is hereby declared to be contraband and shall be seized and disposed of as authorized by law.

138.261. Effective Date For Lawful Possessors. Any person who, prior to the effective date of this subchapter, was legally in possession of an assault weapon prohibited by this subchapter shall have 45 days from the effective date of this ordinance to do any of the following without being subject to prosecution hereunder:

(A) To remove the assault weapon from within the geographical boundaries of the City of Dayton;

(B) To modify the assault weapon to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon; or

(C) To surrender the assault weapon to the Director and Chief of Police of the City of Dayton at the Safety Building, 335 West Third Street, Dayton, Ohio. Thereafter, the assault weapon shall be disposed of as provided by law.

138.27. Penalty. Any person who violates any provision of § 138.25 shall be guilty of a misdemeanor of the first degree. Each calendar day that any violation of § 138.25 is repeated or continued shall constitute a separate offense. If any person who violates any provision of § 138.25 was, at the time of the commission of such offense, also committing any drug offense, he or she shall be sentenced to serve the maximum term of imprisonment; to wit: 180 days. In addition, the offender shall be fined the maximum fine permitted; to wit: \$1,000.00. These terms of imprisonment and fine are mandatory, shall not be suspended, and must be imposed by the Court.

Publisher's Notes:

1. The following jurisdictions prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts) [An asterisk (*) next to a name indicates another listing]

Cincinnati*

Cleveland*

Columbus*

Dayton*

East Cleveland*

Kent*

Montgomery*

South Euclid*

Toledo*

University Heights*

Youngstown*

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other

(specified)] [An asterisk (*) next to a name indicates another listing]

Akron*(f)-Handgun retailing for less than \$50 and melts/deforms at less than 800° F.

Cleveland*(f)-Assault Weapon: Unlawful to sell, acquire, possess. [Ordinance of 02/89 set out below.]

Columbus*(f)-Assault Weapon; Large Capacity Magazine. Assault weapon must be registered. Magazine possession prohibited, with exceptions. [Ordinance of 05/89 set out below.]

Dayton*(f)-Assault Weapon: Unlawful to sell, acquire, possess. [Ordinance of 05/94 set out below.]

Kent*(f)-Handgun having barrel 3" or less or retailing for less than \$80 or melts/deforms at less than 800° F. or [* * * contact city].

3. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers. Contact the city of interest to determine the time period involved [An asterisk (*) next to a name indicates another listing]

Cincinnati*

**-HANDGUN (or, RESTRICTED WEAPONS) OWNER'S
IDENTIFICATION CARD-**

Cleveland*

Dayton*

Toledo*

University Heights*

4. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Cleveland*

Columbus*

Dayton*

East Cleveland*

Kent*

Mayfield Heights*

South Euclid*

Shaker Heights*

Toledo*

University Heights*

Whitehall*

5. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Akron*

Cincinnati*

Cleveland*
Columbus*
South Euclid*
Toledo*
University Heights*
Youngstown*

6. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Akron* (a),(b)
Cincinnati
Cleveland* (a),(b)
Columbus* (a),(b)
East Cleveland* (a)
Kent* (a)
Mayfield Heights* (a)
South Euclid* (a)
Shaker Heights* (a)
Toledo* (a),(b)
Whitehall* (a)
Youngstown* (a)

7. It is unlawful to sell or possess or receive weapons without a serial number or with the serial number obliterated in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Akron*
Cincinnati*
Cleveland*
Montgomery*
Shaker Heights*