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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Miranda and Brewer

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SUMMARY

- Names the act the Keep Every Home Safe Act.
- Prohibits a person from leaving a firearm in a manner that is not securely stored.
- Specifies that a law enforcement officer is not permitted to enter a dwelling or stop a motor vehicle for a sole purpose of determining if a firearm is securely stored.
- Requires responding law enforcement officers and appropriate prosecuting authorities to create incident reports containing a minimum of specified information.
- Specifies that incident reports created under the bill are public records.
- Specifies the purpose of the bill is to eliminate shootings involving minors by 2032.
- Provides that impacted households are eligible to receive free or low-cost mental health services from existing programs.
- Provides that an impacted household is eligible to receive a free secure storage device or locking device for every firearm in the home.
- Authorizes a nonrefundable personal income tax credit for the purchase of firearms safety storage units.
- Requires the Department of Public Safety to implement and manage a public awareness campaign regarding secure firearms storage.
- Makes an appropriation for grants to Ohio nonprofit organizations, federally licensed firearms dealers, and local public safety agencies to purchase secure storage and locking devices.

DETAILED ANALYSIS

Keep Every Home Safe Act

The bill names the act the Keep Every Home Safe Act.¹

Required secure storage of a firearm

The bill prohibits a person from leaving a firearm in such a manner that it is not “securely stored” (as described below in “**Definitions**”), however the bill does not create this prohibition as a criminal offense for failing to securely store the firearm. Additionally, the bill prohibits a law enforcement officer from entering a dwelling, or stopping a motor vehicle, for the sole purpose of determining whether a firearm is securely stored.²

Incidents

Under the bill, for every incident involving the discharge, unlawful carrying, or brandishing of a firearm by a minor, responding law enforcement officers are required to document in writing whether the firearm was securely stored by the firearm owner or other person in lawful possession of the firearm, regardless as to whether the serious bodily injury or death occurred.³

The responding law enforcement officer is required to provide the written report to the appropriate prosecuting authority within 72 hours of the incident.⁴ The report must include sufficient information to facilitate the prosecuting authority’s ability to respond to the incident in a timely manner, and to complete the report the prosecuting authority is required to create.⁵ The prosecuting authority must then formally assess the liability of the firearm owner, or any other person who at the time of the discharge, unlawful carrying, or brandishing, had custody or control of the firearm.⁶ At a minimum, the prosecuting authority must assess whether the firearm was securely stored when assessing each incident, without regard to whether serious bodily injury or death occurred as a result.⁷

For every incident in which a minor discharges, carries, brandishes, or is otherwise found to be in unlawful possession or control of a firearm, under the bill the appropriate prosecuting authority must create a written report that contains, at a minimum, the following nonidentifying information:⁸

¹ Section 3.

² R.C. 2923.1215(B)(1) and (2).

³ R.C. 2923.1215(B)(3)

⁴ R.C. 2923.1215(B)(3)(b).

⁵ R.C. 2923.1215(B)(3)(c).

⁶ R.C. 2923.1215(B)(4)(a).

⁷ R.C. 2923.1215(B)(4)(b).

⁸ R.C. 2923.1215(D)(1).

- Date, county, and political subdivision of the incident;
- Race, ethnicity, gender, and age of the owner, or other person who, at the time of the incident, had lawful possession or control, of the firearm;
- Race, ethnicity, gender, and age of the minor who fired, brandished, or was in unlawful possession or control of the firearm;
- Race, ethnicity, gender, and age of any person injured in the incident, and whether the injury was, at the time of reporting, fatal;
- The outcome of the assessment, including what charge, if any, was filed against the owner, or other person in lawful possession or control of the firearm.

If, upon examination of the facts and available evidence, the prosecuting authority determines that there is insufficient evidence that a criminal offense occurred, the prosecuting authority must also indicate this in the report.⁹

Affirmative defense

Under the bill, in any prosecution of an offense that arises out of an incident involving the discharge, unlawful carrying, or brandishing of a firearm by a minor, it is an affirmative defense if the owner of the firearm can demonstrate that the firearm was securely stored. If another person was in lawful possession of the firearm, or if another person had custody or control of the firearm at the time of the incident, the owner is not required to demonstrate that the firearm was securely stored.¹⁰

Public records

The incident reports created by responding law enforcement officers and by the prosecuting authority are public records under the bill. However, unless otherwise permissible by Ohio law, the bill does not require the disclosure of the names of the firearm owner, the victim, or the minor who discharged, carried, brandished, or was otherwise in unlawful possession or control of the firearm.¹¹

Poster and brochure

The bill requires the Division of Criminal Justice Services in the Department of Public Safety to include information on how to securely store a firearm and how to obtain secure storage devices and locking devices in the poster and brochure created by the Division that describe safe firearms practices.¹²

⁹ R.C. 2923.1215(D)(2).

¹⁰ R.C. 2923.1215(C).

¹¹ R.C. 2923.1215(D)(3).

¹² R.C. 5502.63(A).

Purpose of the bill

The purpose of the bill is to eliminate shootings involving minors by 2032.¹³

Mental health services for impacted households

Under the bill, “impacted households” (as described below in “**Definitions**”) are eligible to receive free or low-cost mental health services from existing programs, as identified by the Department of Mental Health and Addiction Services.¹⁴

The bill requires the Department of Public Safety, in consultation with the Department of Mental Health and Addiction Services, to make publicly available a list of providers, programs, and agencies from which an impacted household may obtain free or low-cost mental health and wellness services. The Department of Mental Health and Addiction Services must identify existing programs providing free or low-cost mental health services and to identify existing revenues to support the programs. The bill also requires the Department of Public Safety to make publicly available a list of nonprofit organizations, federally licensed firearms dealers, and local public safety agencies that offer free secure storage devices or locking devices, if any exist. Both lists are required to be updated annually.¹⁵

Free secure storage device or locking device

Under the bill, to the extent the Department of Public Safety is able to identify nonprofit organizations, federally licensed firearms dealers, and local public safety agencies, an impacted household is eligible to receive a free secure storage device or locking device for every firearm in the home from those entities identified by the Department. The total cost of the secure storage devices and locking devices provided to an impacted household cannot exceed \$400 per fiscal year.¹⁶

Income tax credit for firearms safety storage unit purchases

The bill authorizes a nonrefundable personal income tax credit for amounts spent by a taxpayer during the taxable year to purchase a “secure storage device” or a “locking device” as defined above. The amount of the credit equals 20% of the purchase price of each secure storage or locking device but the maximum credit that may be claimed in any taxable year is \$400.¹⁷ The credit may be claimed for taxable years beginning on or after January 1, 2024.¹⁸

¹³ R.C. 2923.1216.

¹⁴ R.C. 5502.621(B)(1).

¹⁵ R.C. 5502.621(B)(2) and (3).

¹⁶ R.C. 5502.621(C).

¹⁷ R.C. 5747.74, 5747.08, and 5747.98

¹⁸ Section 5.

Public awareness campaign and grants

The bill requires the Department of Public Safety to implement and manage a public awareness campaign regarding secure firearms storage. At a minimum the campaign must include online and printed materials, and public service announcements.¹⁹

Under the bill the Department of Public Safety also must provide grants for the exclusive purchase of secure storage devices and locking devices to Ohio nonprofit organizations, federally licensed firearms dealers, and local public safety agencies to be made available to the public and impacted households as described above. For a nonprofit to be eligible for a grant, its total revenue must not exceed \$25,000,000 per fiscal year, unless it is a general hospital or children's hospital. Federally licensed firearms dealers receiving this grant money must include a free secure storage device or locking device with every firearm sale. Secure storage and locking devices purchased with this grant money must be made available to the public at no cost. The maximum cost of secured storage devices and locking devices provided to a household under this program is capped at \$400 per fiscal year. The bill requires the Department of Public Safety to make information regarding how to attain free secure storage devices and locking devices available to the public.²⁰

The bill appropriates \$2,000,000 in fiscal year 2024 from the GRF to fund this public awareness campaign and these grants. Any unused amounts are reappropriated for the same purposes in fiscal year 2025.²¹

Definitions

The bill defines the following terms:²²

- “Federally licensed firearms dealer” is defined as an importer, manufacturer, or dealer having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the federal “Gun Control Act of 1968,” 82 Stat. 1213, 18 U.S.C. 923 *et seq.*, and any amendments or additions to that act or reenactments of that act.
- “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 that is inoperable but that can readily be rendered operable.
- “Impacted household” means a household where a firearm that was not securely stored was discharged, carried, or brandished by a household member not authorized or legally eligible to handle or possess the firearm, or from which a firearm that was not securely stored was removed by a person not authorized or legally eligible to handle or possess

¹⁹ Section 4(B)(1).

²⁰ Section 4(B)(2) and (C).

²¹ Section 6 and 7.

²² R.C. 2923.1215(A) and 5502.621(A).

the firearm, regardless of the location at which the incident occurred. The term “impacted household” applies without regard to whether the incident resulted in serious bodily injury or fatality.

- “Locking device” means a tamper-resistant mechanical lock or device that disables a firearm and renders the firearm inoperable without first deactivating the device. A locking device can only be unlocked by means of a key, combination, biometric identifier, or other similar means.
- “Minor” means an individual under the age of 18.
- “Possession of a firearm” means the owner of the firearm, or another person who is legally eligible to handle the firearm, carries it via off-body or on-body carry methods, provided the firearm is also in a holster equipped with a properly functioning trigger cover that is also properly employed.
- “Secure storage device” means a locked safe, container, case, lock box, or other device that is designed to be, or can be, used to store a firearm provided that it can only be unlocked by means of a key, combination, biometric identifier, or other similar means.
- A firearm is “securely stored” if, at any time the firearm is not in the possession of the owner or in the possession of another person legally eligible to handle it, the firearm is either in a secure storage device, or rendered inoperable by a locking device and also stored in an opaque container that is placed in a manner or location where a person prohibited from possessing or otherwise handling the firearm cannot reasonably gain access to the firearm. For purposes of the definition of “securely stored,” it is immaterial whether the firearm is loaded or unloaded.

HISTORY

Action	Date
Introduced	05-16-23
