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H.B. 433
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Blackshear

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SUMMARY

- Prohibits a person from knowingly, acquiring, having, carrying, or using any mass casualty weapon and renames the offense “unlawful possession of a mass casualty weapon or dangerous ordnance.”
- Provides that the penalty for unlawful possession of a mass casualty weapon or dangerous ordnance is a fifth degree felony.
- Provides exceptions to unlawful possession of a mass casualty weapon or dangerous ordnance.
- The bill defines “mass casualty weapon” as any semi-automatic firearm designed or specially adapted to fire more than 31 cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.
- Makes necessary cross-reference changes.

DETAILED ANALYSIS

Unlawful possession of a mass casualty weapon or dangerous ordnance

The bill modifies the offense of “unlawful possession of a dangerous ordnance” to include a “mass casualty weapon” and renames the offense “unlawful possession of a mass casualty weapon or dangerous ordnance.”¹

¹ R.C. 2923.17(A) and (D).

Offense

The bill prohibits a person from knowingly acquiring, having, carrying, or using any mass casualty weapon. Under current law, a person is prohibited from knowingly acquiring, having, carrying, or using a dangerous ordnance.²

Penalty

Under the bill and under current law, the penalty for unlawful possession of a mass casualty weapon or dangerous ordnance is a fifth degree felony.³

Exceptions to the offense

Under the bill and under current law, the following exceptions apply to both mass casualty weapons and dangerous ordnance:⁴

- Officers, agents, or employees of Ohio, another state, or the United States, members of the U.S. Armed Forces, or the organized militia of Ohio or another state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use a mass casualty weapon or dangerous ordnance and is acting within the scope of that person's duties;
- Persons to whom a surplus mass casualty weapon or surplus ordnance has been sold, loaded, or given by the Secretary of the Army with respect to a mass casualty weapon or dangerous ordnance when lawfully possessed and used for the purpose specified under federal law;
- Owners of a mass casualty weapon or dangerous ordnance registered in the National Firearms Registration and Transfer Record;
- Carriers, warehouses, and others engaged in the business of transporting or storing goods for hire, with respect to a mass casualty weapon or dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with Ohio law and applicable federal law.

Under current law, the following exceptions apply only to dangerous ordnance:⁵

- Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act" with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under Ohio law and applicable federal law;

² R.C. 2923.17(A).

³ R.C. 2923.17(D).

⁴ R.C. 2923.17(C)(1), (4), (5), and (6).

⁵ R.C. 2923.17(C)(2), (3), (7) and (8).

- 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” with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under Ohio law and applicable federal law;
- The holders of a license or temporary permit issued and in effect with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purpose and in the manner specified in such license or permit;
- Persons who own a dangerous ordnance that is a firearm muffler or suppressor attached to a gun that is authorized to be used for hunting and who are authorized to use such a dangerous ordnance.

Definition of “mass casualty weapon”

The bill defines “mass casualty weapon” as any semi-automatic firearm designed or specially adapted to fire more than 31 cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.⁶

Technical changes

The bill makes necessary cross-reference changes.⁷

HISTORY

Action	Date
Introduced	02-27-24

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⁶ R.C. 2923.11(F).

⁷ R.C. 2923.11 and 2923.12(C)(1)(c) and (d).