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# OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 64  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Thomas

Sarah A. Maki, Attorney

### Summary

- Raises from 18 to 21 the minimum age a person must have attained in order for another person to legally sell or furnish any firearm to the person.
- Increases the penalty for improperly furnishing firearms to an underage person to a third degree felony.
- Raises from 18 to 21 the minimum age at which a person may legally purchase or attempt to purchase a firearm.

### Detailed Analysis

#### Improperly furnishing firearms to an underage person

The bill raises from 18 to 21 the minimum age a person must have attained in order for another person to legally sell or furnish any firearm to the person. Current law prohibits the sale or furnishing of any firearm to a person under age 18 and the sale or furnishing of any handgun to a person under age 21. The bill modifies these prohibitions in two ways. First, the bill eliminates the prohibition on the sale or furnishing of any firearm to a person under age 18, so that the bill's provisions apply to a recipient under age 21. Second, the bill modifies the prohibition on the sale or furnishing of any "handgun" to a person under age 21, so that the bill's provisions apply to any "firearm." Under the current Weapons Law, a "handgun" is included in the definition of a "firearm."<sup>1</sup>

<sup>1</sup> R.C. 2923.21 and 2923.11, not in the bill.

## Prohibition

The bill prohibits a person from doing any of the following:<sup>2</sup>

1. Selling any firearm to a person who is under age 21;
2. Furnishing any firearm to a person who is under age 21 except for lawful hunting, sporting, or educational purposes, including instruction in firearms or handgun safety, care, handling, or marksmanship under the supervision or control of a responsible adult;
3. Selling or furnishing a firearm to a person under age 21 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 or furnishing it to a person who is under age 21;
4. Purchasing or attempting to purchase any firearm with the intent to sell or furnish it to a person who is under age 21.

## Exceptions

The bill specifies that the prohibitions described in clauses (1) and (2) of the preceding paragraph do not apply to the sale or furnishing of a firearm to the following individuals:<sup>3</sup>

- A person age 18 or older and under age 21 if the person is a law enforcement officer who is properly appointed or employed as an officer and has received firearms training approved by the Ohio Peace Officer Training Commission or equivalent firearms training;
- An active duty member of the U.S. armed forces who has received firearms training that meets or exceeds the training requirements described in the Concealed Handgun Licensing Law.<sup>4</sup>

## Penalty

Under the bill, a violation of the prohibition is improperly furnishing firearms to an underage person, a third degree felony. Under current law, the penalty for improperly furnishing firearms to a minor is a fifth degree felony.<sup>5</sup>

## Underage purchase of a firearm

The bill raises from 18 to 21 the minimum age at which a person may legally purchase or attempt to purchase a firearm. Current law prohibits a person under age 18 from purchasing or attempting to purchase a firearm and a person under age 21 from purchasing or attempting to purchase a handgun. The bill modifies these prohibitions in two ways. First, the bill eliminates the prohibition on a person under age 18 purchasing or attempting to purchase a firearm, so

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<sup>2</sup> R.C. 2923.21(A).

<sup>3</sup> R.C. 2923.21(B).

<sup>4</sup> R.C. 2923.125(G)(1), not in the bill.

<sup>5</sup> R.C. 2923.21(C).

that the bill’s provisions apply to a purchaser under age 21. Second, the bill modifies the prohibition on a person under age 21 purchasing or attempting to purchase a “handgun,” so that the bill’s provisions apply to a “firearm.” Under the current Weapons Law, a “handgun” is included in the definition of a “firearm.”<sup>6</sup>

## Prohibition

The bill prohibits a person under age 21 from purchasing or attempting to purchase a firearm.<sup>7</sup>

## Exceptions

The bill specifies that the prohibition in the preceding paragraph does not apply to the purchase or attempted purchase of a firearm by a person age 18 or older and under age 21 if either of the following apply:<sup>8</sup>

- The person is a law enforcement officer who is properly appointed or employed as an officer and has received firearms training approved by the Ohio Peace Officer Training Commission or equivalent firearms training;
- The person is an active or reserve member of the U.S. armed services or the Ohio National Guard, or was honorably discharged from military service in the active or reserve U.S. armed services or the Ohio National Guard, and has received firearms training from the armed services or the National Guard or equivalent firearms training.

## Penalty

Under the bill and current law, a violation of the prohibition is underage purchase of a firearm. If the offender is under age 18, the violation is a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. If the offender is age 18 or older but under age 21, the violation is a second degree misdemeanor.<sup>9</sup>

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## History

Action	Date
Introduced	02-26-19

S0064-I-133/ar

<sup>6</sup> R.C. 2923.211 and 2923.11, not in the bill.

<sup>7</sup> R.C. 2923.211(A).

<sup>8</sup> R.C. 2923.211(A).

<sup>9</sup> R.C. 2923.211(B); conforming changes in R.C. 2151.022(D), 2152.02(E)(4), and 2152.16(A)(1)(e).