



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 240
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Kelly and Miranda

Nicholas A. Keller, Attorney

SUMMARY

- Prohibits a person from storing or leaving a firearm in the person's residence if the person knows or reasonably should know that a minor could gain access to the firearm, unless the firearm is secured or rendered inoperable, or unless the minor gains access as the result of another person's unlawful entry into the residence.
- Does not prohibit a person who is in the person's residence from carrying a firearm on the person's person or placing a firearm in a location that is under the person's immediate control.

DETAILED ANALYSIS

Criminally negligent storage of a firearm

Elements of the crime

The bill establishes the crime of criminally negligent storage of a firearm. Subject to the exceptions described below, the bill prohibits a person from storing or leaving a firearm in a manner or location in the person's residence if the person knows or reasonably should know that a minor is able to gain access to the firearm. Whoever violates this prohibition is guilty of criminally negligent storage of a firearm if a minor gains access to the firearm as a result of the violation, without the lawful permission of the minor's parent, guardian, or custodian.¹ Criminally negligent storage of a firearm is a third degree misdemeanor, but if the minor gains access to the firearm as a result of the violation without the lawful permission of the minor's parent, guardian, or custodian and uses the firearm to cause personal injury or death, other than in self-defense, the violation is a first degree felony.² Generally, a third degree

¹ R.C. 2923.191(A) and (B).

² R.C. 2923.191(B)(2).

misdeemeanor carries a prison term of not more than 60 days, and a first degree felony carries a prison term of 3 to 11 years, if the court imposing the sentence elects or is required to impose a prison term on the offender.³

The bill's prohibition does not prohibit a person who is in the person's residence from carrying a firearm on the person's person or placing a firearm in a location that is under the person's immediate control.⁴

Exceptions to the crime

The bill's prohibition does not apply to a person who stores or leaves a firearm in the person's residence if the firearm is kept in safe storage or equipped with a tamper-resistant mechanical lock or other safety device that is properly engaged so as to render the weapon inoperable by any person other than the owner of the firearm or any other lawfully authorized user of the firearm.⁵ Continuing law requires federally licensed firearms dealers, at the time of the sale of a firearm, to offer for sale to the firearm purchaser a trigger lock, gun lock, or gun locking device appropriate for that firearm.⁶ In addition, the bill's prohibition does not apply to a person who stores or leaves a firearm in the person's residence if a minor gains access to the firearm as a result of any other person's unlawful entry into the person's residence.⁷

Definition of "firearm"

Continuing law defines a "firearm" as any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, including an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.⁸

HISTORY

Action	Date
Introduced	05-09-19

H0240-I-133/ks

³ R.C. 2929.14 and 2929.24, not in the bill. Courts have leeway in sentencing, and with other factors coming into play in the sentencing process, it is impossible to determine the exact term of imprisonment, if one is imposed.

⁴ R.C. 2923.191(C).

⁵ R.C. 2923.191(A)(2).

⁶ R.C. 2923.25, not in the bill.

⁷ R.C. 2923.191(A)(2).

⁸ R.C. 2923.11(B), not in the bill.