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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 346  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Dell'Aquila

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### SUMMARY

- Prohibits a person from knowingly manufacturing, purchasing, selling, transferring, distributing, or importing an auto sear.
- Provides exceptions to the offense.
- Provides the penalty for the offense is a fifth degree felony.
- Modifies the definition of dangerous ordnance to include an auto sear.
- Defines an auto sear as any part or combination of parts that is designed to convert a weapon to automatically discharge more than one round without manual reloading, by a single function of the trigger.

### DETAILED ANALYSIS

#### Unlawful manufacture, purchase, or sale of an auto sear

##### Offense

The bill creates the offense of unlawful manufacture, purchase, or sale of an auto sear, which prohibits a person from knowingly manufacturing, purchasing, selling, transferring, distributing, or importing an auto sear.<sup>1</sup>

##### Exceptions

The bill exempts the following from offense:<sup>2</sup>

<sup>1</sup> R.C. 2923.191(A).

<sup>2</sup> R.C. 2923.191(B).

- Officers, agents, or employees of Ohio, any other state, or the United States, members of the U.S. armed forces or the organized militia of Ohio or any other state, and law enforcement officers, to the extent that any such person is authorized to manufacture, purchase, sell, transfer, distribute, or import auto sears and is acting within the scope of the person's duties;
- Importers, manufacturers, and dealers having a license to deal in firearms or their ammunition issued and in effect pursuant to the Gun Control Act of 1968, with respect to auto sears lawfully manufactured, purchased, sold, transferred, distributed, or imported under Ohio law and applicable federal law;
- Carriers, warehouses, and others engaged in the business of transporting or storing goods for hire, with respect to auto sears lawfully transported or stored in the usual course of their business and in compliance with Ohio law and applicable federal law;
- The holders of a license or temporary permit to possess or use a dangerous ordnance, with respect to auto sears lawfully purchased, sold, transferred, distributed, or imported for the purposes and in the manner specified in such license or permit.

## Penalty

The bill provides the penalty for unlawful manufacture, purchase, or sale of an auto sear is a fifth degree felony.<sup>3</sup>

## Auto sear as a dangerous ordnance

The bill modifies the definition of dangerous ordnance to include an auto sear. A dangerous ordnance, in part, means any part or combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance, including an auto sear.<sup>4</sup>

Under current law, a dangerous ordnance means any of the following:<sup>5</sup>

- Any automatic or sawed-off firearm, zip-gun, or ballistic knife;
- Any explosive device or incendiary device;
- 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

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<sup>3</sup> R.C. 2923.191(C).

<sup>4</sup> R.C. 2923.11(K)(6).

<sup>5</sup> R.C. 2923.11(K).

powder to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;

- 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;
- Any firearm muffler or suppressor;
- Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

Under current law, a dangerous ordnance does not include any of the following:<sup>6</sup>

- 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;
- 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;
- 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;
- Black powder, priming quills, and percussion caps possessed and lawfully used to fire a specified cannon 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;
- Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece;
- Any device that is expressly excepted from the definition of a destructive device pursuant to the Gun Control Act of 1968;
- Any firearm with an overall length of at least 26 inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the Gun Control Act of 1968, but that is found by the Bureau not to be regulated under the National Firearms Act.

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<sup>6</sup> R.C. 2923.11(L).

## Definition of auto sear

The bill defines “auto sear” as any part or combination of parts that is designed to convert a weapon to automatically discharge more than one round without manual reloading, by a single function of the trigger.<sup>7</sup>

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### HISTORY

Action	Date
Introduced	11-30-23

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ANHB0346IN-135/sb

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<sup>7</sup> R.C. 2923.11(S).