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S.B. 273
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Koehler

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SUMMARY

- Enacts the Keep Them Safe Act.
- Allows a person who owns a firearm to store the firearm with a federally licensed firearms dealer or law enforcement agency under prescribed terms.
- Requires the Attorney General to prescribe and make available on the Attorney General's website an application form to be used for firearm storage arrangements.
- Provides immunity from civil liability for a federally licensed firearms dealer who accepts storage of a firearm under the bill, unless the dealer acts with malicious purpose or intent to withhold the return of the firearm without legal cause.
- Allows a person who had firearms unlawfully withheld by a federally licensed firearms dealer or law enforcement agency under a storage arrangement who brings a court action for relief to also be awarded reasonable costs and attorney's fees in bringing the action.

DETAILED ANALYSIS

Keep Them Safe Act

The bill is to be known as the Keep Them Safe Act.¹

Storage arrangements

The bill allows any person who holds legal title to a firearm or has authority from a person who holds legal title to a firearm to, upon application and agreement, store the firearm with a federally licensed firearms dealer or with a law enforcement agency pursuant to the bill's terms.²

¹ Section 2.

² R.C. 2923.26(B).

Federally licensed firearms dealers

A federally licensed firearms dealer is 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 1968.³

A federally licensed firearms dealer who stores firearms on behalf of another person under the bill may not enter into an agreement for firearm storage if the dealer's federal firearms license will expire during the term of storage, unless the dealer has submitted a timely renewal application to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives and is authorized to continue operations under federal law. A dealer who stores firearms under the bill must follow all federal laws regarding acquisition, transfer, and disposition of firearms and may establish their own policies and procedures regarding the acceptance and return of a firearm and provide a copy of the policies and procedures to any person placing a firearm in storage with the dealer under the bill.⁴

A federally licensed firearms dealer that accepts the storage of a firearm under the bill is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly is caused by or related to the acceptance, storage, or return of a firearm unless the dealer acts with malicious purpose or intent to withhold the return of the firearm without legal cause. "Legal cause," under the bill, is any legal authority that would prohibit receiving or possessing a firearm, including firearms disability under state or federal law.⁵

The bill prohibits a dealer from returning a firearm to a person if the return of the firearm would be a direct violation of state or federal law.⁶

Law enforcement agencies

A "law enforcement agency," for purposes of the bill, means a police department, the office of a sheriff, the state highway patrol, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.⁷

A law enforcement agency that stores firearms on behalf of another person under the bill may establish policies regarding the return of firearms. The bill prohibits a law enforcement agency from returning a firearm if the return of the firearm would result in a direct violation of state or federal law.⁸ The bill specifies that a law enforcement agency or political subdivision is immune from civil liability under existing law for any injury, death, or loss to person or property allegedly caused by or related to the acceptance, storage, or return of a firearm.⁹

³ R.C. 2923.26(A)(2), by reference to R.C. 5502.63.

⁴ R.C. 2923.26(C)(1), (2), and (3).

⁵ R.C. 2923.26(A)(1) and (I).

⁶ R.C. 2923.26(C)(4).

⁷ R.C. 2923.26(A)(3).

⁸ R.C. 2923.26(D).

⁹ R.C. 2923.26(J), by reference to R.C. Chapter 2744.

Attorney General

The bill requires the Attorney General to prescribe and make available on the Attorney General's website a form that is to be used for the storage of firearms under the bill. The Attorney General must design the form to enable applicants, at a minimum, to provide the description of the firearm by make, model, and serial number, and the title holder's name, address, and telephone number. The form must also allow the applicant to provide additional contact information.

The bill also requires the Attorney General to issue proposed standard operating procedures, a model storage agreement, guidance on policies for securing a firearm and returning a firearm, and any additional guidance the Attorney General feels is necessary for a firearms dealer or law enforcement agency to utilize or adopt.¹⁰

Cost and fees in action for return of firearm

If a court of competent jurisdiction finds that a federally licensed firearms dealer or law enforcement agency withheld return of a firearm or firearms after a demand was made for the return by a person who holds legal title to the stored firearm or a person who has authority from the person who holds legal title to the stored firearm, without legal cause, the bill allows for a court, in addition to any other relief ordered, to award reasonable costs and attorney's fees to the person who sought the order finding the stored firearm was illegally withheld. "Legal cause," under the bill, is any legal authority that would prohibit receiving or possessing a firearm, including firearms disability under state or federal law.¹¹

Intent

Nothing in the bill is to be construed as a requirement for a federally licensed firearms dealer or law enforcement agency to accept a firearm for storage pursuant to the bill and nothing in the bill is to be construed as a requirement for a federally licensed firearms dealer or law enforcement agency to accept a firearm or firearms for voluntary storage free of charge.¹²

HISTORY

Action	Date
Introduced	09-24-25

ANSB0273IN-136/sb

¹⁰ R.C. 2923.26(E) and (F).

¹¹ R.C. 2923.26(A)(1) and (K).

¹² R.C. 2923.26(G) and (H).