



(As of June, 1996)

PLEASE NOTE: In addition to state laws, the purchase, sale and (in certain circumstances) the possession and interstate transportation of firearms is regulated by the Gun Control Act of 1968 as amended by the Firearms Owners' Protection Act. Also, cities and localities may have their own firearms ordinances in addition to federal and state laws. Details may be obtained by contacting local law enforcement authorities, and by consulting the State Laws and Published Ordinances—Firearms, available from the U.S. Government Printing Office, Washington, D.C. 20402.

QUICK REFERENCE CHART

Table with 3 columns: Rifles and Shotguns, Handguns, and various actions (Permit to purchase, Registration of Firearms, Licensing of Owner, Permit to Carry) with corresponding Yes/No/N/A responses.

\*Some municipalities control the possession, sale or transfer of firearms. Controls include: handgun registration and identification cards; waiting periods and permits to purchase; restrictions on handguns with barrel lengths less than 3 inches; prohibition on handguns weighing less than 19 ounces, costing less than \$50 or \$90, and able to melt at less than 800°F; prohibitions on firearms with obliterated markings; and prohibitions on the use of any firearm by persons less than 16 or 17 years of age.

STATE CONSTITUTIONAL PROVISION

"The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power." Article 1, Section 4.

POSSESSION

No state permit or license is required to possess a handgun, rifle or shotgun. It is unlawful for the following persons to "knowingly acquire, have, carry, or use any firearm.":

- 1. Fugitives;
2. Persons indicted for or convicted of a violent felony or adjudicated a delinquent child for the commission of an offense that if committed by an adult, would have been a violent felony;
3. Persons indicted for or convicted of a drug offense, or adjudicated a delinquent child for the commis-

sion of an offense that, if committed by an adult, would have been an offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse;

- 4. Alcoholics and drug-dependent persons; and
5. Adjudicated mental incompetents.

Persons disqualified under (2) or (3) of the above may obtain relief from this disability from the court of common pleas by presenting facts showing fitness for relief.

PURCHASE

No state permit or license is required to purchase a handgun, rifle, or shotgun.

It is unlawful to sell a handgun to a person under 21, or any firearm to a person under 18. A firearm may be furnished to a person under 18 for lawful hunting (persons 16 or over may hunt alone), instruction in firearms safety, care and handling, or marksmanship under the supervision or control of a responsible adult.

It is unlawful to "recklessly sell, lend, give, or furnish any firearm" to any person who may not possess a firearm (see possession), or who is under the influence of alcohol or any drug of abuse.

CARRY

It is unlawful to "knowingly carry or have, concealed on his person or concealed ready at hand," any firearm. Exempt from this prohibition are: officers, agents, and employees of a state or the federal government or law enforcement officers authorized and acting in the scope of their employment. State law permits the carrying of a handgun openly, but many municipalities prohibit any carrying of firearms.

It is an affirmative defense to a charge of carrying a concealed weapon if the person was:

- 1. In his own home;
2. Engaged in or going to or from his business or occupation which is of such character as to justify a "prudent man in going armed;"
3. Engaged in lawful activity and had good reason to fear attack on himself or family such as to justify a "prudent man in going armed."

Transporting a firearm in a motor vehicle is unlawful unless the firearm is unloaded or is accessible only by leaving the vehicle. The unloaded firearm must be carried:\*

- a. In a closed case, box, or package; or
b. Secured in a rack in plain sight; or
c. "In plain sight, with the action open or the weapon stripped," or if the firearm's action will not stay open or it cannot be easily stripped, in plain sight.

\*Legal authorities recommend that firearms be transported in a case or gun box.

A firearm in the passenger compartment of a motor vehicle is considered loaded if its magazine is loaded or a loaded magazine is ready at hand. Muzzleloading weapons are considered unloaded if the percussion cap or priming powder in the pan is removed. The affirmative defenses under (2) and (3) are available to a charge brought under the provision of carrying in a motor vehicle. Affirmative defenses are generally strictly construed against the defendant.

State law has no provision for a license or permit for carrying concealed firearms.

It is unlawful to possess a firearm in any room in which liquor is being dispensed pursuant to a liquor license. This prohibition does not apply to a police officer, or to any room used for the accommodation of guests of a hotel, or the possession of an unloaded rifle by a veterans' organization, or possessing or displaying unloaded firearms in a soldiers' memorial or in a convention center or other public meeting place by an exhibitor, trader, purchaser, or seller. It is an affirmative defense that a person was not otherwise precluded by law and kept a firearm for defensive purposes and whose business or occupation was of such character as would justify a "prudent man in going armed," or kept a firearm for defensive purposes while engaged in lawful activity and had reasonable cause to fear a criminal attack as would justify a "prudent man in going armed."

ANTIQUES & REPLICAS

Antique and antique replica rifles, shotguns, or handguns are treated like modern arms for possession, carrying and purchase purposes.

MACHINE GUNS

"Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges."

It is unlawful to "knowingly acquire, have, carry, or use" a machine gun. Exceptions are:

- 1. Owners of machine guns registered under the National Firearms Act; or
2. Authorized state and federal officers, agents, and employees, members of the armed forces or organized militia, and law enforcement officers when acting within the scope of their duties; or
3. Licensed importers, manufacturers, and dealers.
It is unlawful to negligently fail to take proper precautions to secure a machine gun against theft, acquisition or use by an unauthorized or incompetent person, and to

negligently fail to take precautions to insure the safety of persons and property.

#### **"ASSAULT WEAPON" ORDINANCES**

We are aware of "assault weapon" ordinances being enacted in Columbus, Dayton, Cleveland and Cincinnati affecting various semi-automatic firearms. The Dayton and Cleveland ordinances prohibit the possession of semi-automatic center-fire rifles that accept detachable magazines with a capacity of 20 rounds or more, and semi-automatic shotguns with a magazine capacity of 7 rounds or more. Excepted are .22 caliber rimfire firearms with a detachable magazine of 30 (Dayton) and 18 (Cleveland) rounds or less.

The Cincinnati ordinance prohibits the possession of any semi-automatic firearm that was "originally designed with or has a fixed magazine or detachable magazine with a capacity of more than" 10 rounds for a rifle, 5 rounds for a shotgun and 15 rounds for a handgun. The Cincinnati ordinance also prohibits the possession of any detachable magazine with a magazine capacity in excess of 10 rifle rounds, 5 shotgun rounds or 15 handgun rounds. The Cincinnati ordinance exempts .22 caliber rimfire rifles which have fixed tubular magazines.

The Columbus ordinance prohibits the possession of dozens of specifically named semi-automatic firearms; other semi-automatic firearms may be added to this list. The Columbus ordinance also prohibits the possession of any magazine or other ammunition container which holds more than 20 rounds of ammunition other than in .22 caliber rimfire.

#### **MISCELLANEOUS**

It is unlawful to "knowingly discharge a firearm while in or on a motor vehicle."

It is unlawful to carry or use any firearm "while under the influence of alcohol or any drug of abuse."

It is unlawful to "knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm."  
It is unlawful to discharge a firearm on or across a roadway, or near buildings.

No person shall knowingly convey, or attempt to convey, any deadly weapon or dangerous ordnance onto any property owned or controlled by, or to any activity held under the auspices of, a board of education, of a city, local, exempted village, or joint vocational school district or of a governing body of a school. Exempted from the prohibition are: officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry deadly weapons or dangerous ordnance and acting within the scope of their duties, to any security officer employed by a board of education or governing body of a

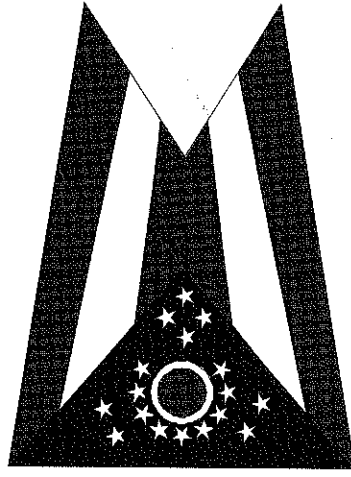
school during the time that the security officer is on duty pursuant to that contract of employment, or to any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance onto school property or to possess a deadly weapon or dangerous ordnance on school property and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization.

SOURCE: Ohio Rev. Code §§2923.11 to 2923.24

# FIREARMS LAWS

A SYNOPSIS OF STATE  
LAWS ON PURCHASE,  
POSSESSION AND  
CARRYING OF FIREARMS.

# OHIO



# NRA/ILA

**CAUTION:** State firearms laws are subject to frequent change. The above summary is not to be considered as legal advice or a restatement of law. To determine the applicability of these laws to specific situations which you may encounter, you are strongly urged to consult a local attorney.

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