



Legislation Details (With Text)

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Title: To enact new sections 2323.51, 2323.52, 2323.53, and 2323.54 of the Columbus City Codes to prohibit the sale of imitation firearms to minors and to also prohibit the alteration of an imitation firearm or possession of same.

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Indexes:

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Date	Ver.	Action By	Action	Result
5/16/2018	2	CITY CLERK	Attest	
5/15/2018	2	MAYOR	Signed	
5/14/2018	2	COUNCIL PRESIDENT	Signed	
5/14/2018	1	Columbus City Council	Amended as submitted to the Clerk	Pass
5/14/2018	1	Columbus City Council	Approved	Pass
5/7/2018	1	Columbus City Council	Read for the First Time	

The purpose of this ordinance is to enact new sections of the Columbus City Codes to prohibit the sale of imitation firearms to minors and to prohibit the alteration of an imitation firearm or possession of an imitation firearm that has been altered to look like a real firearm.

To enact new sections 2323.51, 2323.52, 2323.53, and 2323.54 of the Columbus City Codes to prohibit the sale of imitation firearms to minors and to also prohibit the alteration of an imitation firearm or possession of same.

WHEREAS, imitation firearms are virtually indistinguishable from real weapons and can be marketed toward children; and

WHEREAS, markings and identifiers that indicate a firearm is a replica are easily removed or altered to make the imitation firearm look real; and

WHEREAS, at least 70 individuals brandishing imitation firearms were shot and killed by law enforcement nationwide in 2016 and 2017; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That new section 2323.51 of the Columbus City Codes is hereby enacted, reading as follows:

2323.51- Definitions - Imitation Firearms.

As used in sections 2323.51 to 2323.54:

(A) "BB device" means any instrument that expels a projectile, such as a BB or a pellet, through the force of air pressure, gas pressure, or spring action, including any airsoft gun and **any spot marker or paintball guns unless specifically exempted under division (B).**

(B) "Imitation firearm" means any BB device, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm. **As used in Sections 2323.52 and 2323.54, "imitation firearm" does not include the following:**

- (1) **A nonfiring collector's replica that is historically significant, and is offered for sale in conjunction with a wall plaque or presentation case;**
- (2) **A device where the entire exterior surface of the device is white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern, or where the entire device is constructed of transparent or translucent materials which permits unmistakable observation of the device's complete contents.**

(C) "Public place" means an area open to the public, including any of the following:

(1) A street, alley, sidewalk, driveway, or parking lot;

(2) A bridge;

(3) A plaza or park;

(4) A front yard;

(5) A motor vehicle, as defined in section 4511.01 of the Revised Code, whether moving or not;

(6) A building open to the general public, including one that serves food or drink or that provides entertainment;

(7) A doorway or entrance to a building or dwelling;

(8) A school operated by a board of education or a community school established under Chapter 3314. of the Revised Code;

(9) Any premises owned or leased by a public or private college, university, or other institution of higher education.

SECTION 2. That new section 2323.52 of the Columbus City Codes is hereby enacted, reading as follows:

2323.52- Unlawful sale of imitation firearms to minors.

(A) [Reserved]

(B) No person shall knowingly give, sell, or otherwise furnish an imitation firearm to any person under the age of eighteen (18).

(C) Whoever violates division (B) of this section is guilty of unlawful sale of an imitation firearm, a misdemeanor of the first degree.

SECTION 3. That new section 2323.53 of the Columbus City Codes is hereby enacted, reading as follows:

2323.53- Alteration of an imitation firearm; Possession of an altered imitation firearm.

(A) No person shall knowingly change, alter, remove, or obliterate any coloration, markings, or bands that are required by any applicable law or regulation of this state or the United States for any imitation firearm in a way that makes the imitation firearm or device look more like a firearm.

(B) No person shall knowingly possess an imitation firearm on which the blaze orange tip required by Title 15, Section 5001 of the United States Code or any other colors or markings which may be required by city ordinance or state law have been removed or obscured.

(C) Whoever violates division (A) of this section is guilty of alteration of an imitation firearm, a misdemeanor of the first degree. Whoever violates division (B) of this section is guilty of possession of an altered imitation firearm, a misdemeanor of the first degree.

(D) This section does not apply to a lawful use of an imitation firearm in any theatrical production, including any motion picture, video, television, or stage production.

SECTION 4. That new section 2323.54 of the Columbus City Codes is hereby enacted, reading as follows:

2323.54- Illegal display/possession of an imitation firearm in a school safety zone.

(A) No person shall knowingly openly display or expose any imitation firearm in a public place.

(B) No person shall knowingly possess an imitation firearm in a school safety zone if the person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(C) Whoever violates this division (A) of this section is guilty of illegal public display of an imitation firearm, a misdemeanor of the first degree. Whoever violates division (B) of this section is guilty of illegal possession of an imitation firearm in a school safety zone, a misdemeanor of the first degree.

(D) (1) Division (A) of this section does not apply in any of the following circumstances:

(a) The imitation firearm is displayed or exposed in the course of commerce, including a commercial film or video production, or for service, repair, or restoration of the imitation firearm.

(b) The imitation firearm is used in a theatrical production, including any motion picture, video, television, or stage production.

(c) The imitation firearm is used in conjunction with a certified or regulated sporting event or competition.

(d) The imitation firearm is used in conjunction with lawful hunting or a lawful pest control activity.

(e) The imitation firearm is used or possessed at a certified or regulated public or private shooting range.

(f) The imitation firearm is used at a fair, exhibition, exposition, or other similar activity for which a permit has been obtained from the City.

(g) The imitation firearm is used in a military, civil defense, or civic activity, including a flag ceremony, color guard, parade, award presentation, historical reenactment, or memorial.

(h) The imitation firearm is used for a public display authorized by a school or a display that is part of a museum collection.

(i) The imitation firearm is used in a parade, ceremony, or other similar activity for which a permit has been obtained from the City.

(j) The imitation firearm is displayed on a wall plaque or in a presentation case.

(k) The imitation firearm is being used in an area where the discharge of a firearm is lawful.

(2) Division (B) of this section does not apply to:

(a) Premises upon which home schooling is conducted;

(b) A school administrator, teacher, or employee who possesses an imitation firearm for legitimate school purposes during the course of employment;

(c) A student who uses an imitation firearm under the direction of a school administrator, teacher, or employee; or

(d) Any other person who, with the express prior approval of a school administrator, possesses an imitation firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.

(E) If the offender previously has been convicted of a violation of division (B) of this section, illegal possession of an imitation firearm in a school safety zone is a felony to be prosecuted under state law.

(F) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in division (A)(4) of section 4510.02 of the Revised Code and shall deny the offender the issuance of any permit or license of that type during the period of the suspension. If the offender is not a resident of this state, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in division (A)(4) of section 4510.02 of the Revised Code.

(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in division (F)(1) of this section or deny the issuance of one of the temporary instruction permits specified in that division, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that division, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.