



## Legislation Details (With Text)

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**Title:** To amend sections 2323.11, 2323.23 and 2323.321 of the Columbus City Codes to effectuate common sense gun reform; and to declare an emergency.

**Sponsors:** Shayla Favor

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/1/2023	1	CITY CLERK	Attest	
2/28/2023	1	MAYOR	Signed	
2/27/2023	1	COUNCIL PRESIDENT	Signed	
2/27/2023	1	Columbus City Council	Approved	Pass

On August 4, 2019, in Dayton, Ohio just a short drive down the road, an armed gunman headed to the Oregon Entertainment District armed with a semi-automatic firearm equipped with a 100-round drum magazine and proceeded to carry out a mass shooting in which 9 people were killed and 27 were injured in just thirty seconds. Since then numerous additional mass shootings have taken place.

Columbus has not been immune to gun violence, it has long plagued our city, robbing us of our most valuable asset, our people. We have seen how gun violence has ripped through our communities especially among our youth. Last year alone, 91% of homicides in Columbus were committed with a firearm. Gun control simply cannot wait. This legislation will amend the common sense gun reform legislation previously enacted to correct a minor drafting error and to allow for disposition of previously legally acquired large capacity magazines thereby creating a safer Columbus.

To amend sections 2323.11, 2323.23 and 2323.321 of the Columbus City Codes to effectuate common sense gun reform; and to declare an emergency.

**WHEREAS**, more Ohioans died from firearms in 2021 than almost any year on record, according to Ohio Department of Health data; and

**WHEREAS**, despite this fact, the Ohio legislature has steadily relaxed state gun laws; and

**WHEREAS**, the Columbus Division of Police has arrested 36% more juveniles for gun violations this year than in 2021; and

**WHEREAS**, 13% of the juveniles that were arrested for guns in 2022 brought the firearm with them to school; and

**WHEREAS**, gun violence has continually plagued our city, robbing us of our most valuable assets, our people; and

**WHEREAS**, the Mayor of Columbus has declared gun violence a public health crisis; and

**WHEREAS**, in 2021, 91% of homicides in Columbus were committed with a firearm; and

**WHEREAS**, the safety of residents is of paramount importance; and

**WHEREAS**, an emergency exists in the usual daily operation of the Columbus City Council in that it is immediately necessary to authorize the effectuation of common sense gun reform in our community to create a safer Columbus, thereby preserving the public health, peace, property, safety, and welfare; **NOW THEREFORE**,

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

**Section 1.** That sections 2323.11, 2323.23 and 2323.321 of the Columbus City Codes are hereby amended as follows:

**2323.11 Definitions.**

As used in sections 2323.11 to 2323.55 of the Columbus City Codes:

- (A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.
- (B) (1) "Firearm" means: (a) any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant; or (b) the frame or receiver of any such weapon as defined in 27 CFR §487.12. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.
  - (2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
- (C) "Handgun" means any of the following:
  - (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;
  - (2) Any combination of parts from which a firearm of a type described in division (C)(1) of this section can be assembled.
- (D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.
- (E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.
- (F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

"Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a).

- (G) "Zip-gun" means any of the following:
  - (1) Any firearm of crude and extemporized manufacture;
  - (2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;
  - (3) Any industrial tool, signaling device, or safety device, that is not designed as a firearm, but that as

designed is capable of use as such, when possessed, carried, or used as a firearm.

- (H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.
- (I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.
- (J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
- (K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:
- (1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;
  - (2) Any explosive device or incendiary device;
  - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pectretol, 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 power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;
  - (4) 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;
  - (5) Any firearm muffler or suppressor;
  - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.
- (L) "Dangerous ordnance" does not include any of the following:
- (1) 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;
  - (2) 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;
  - (3) 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;
  - (4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L)(3) of this section 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;
  - (5) 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.
  - (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that

act.

- (7) Any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a).
- (M) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States department of transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks," as defined in section 3743.01 of the Revised Code, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in section 3743.80 of the Revised Code, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including, but not limited to, the provisions of section 3743.80 of the Revised Code and the rules of the fire marshal adopted pursuant to section 3737.82 of the Revised Code.
- (N) "Large capacity magazine" means any magazine, belt, drum, feed strip, clip or other similar device that has the capacity of, or can be readily restored or converted to accept, thirty (30) or more rounds of ammunition for use in a firearm. A "large capacity magazine" does not include any of the following:
  - (1) A feeding device that has been permanently altered so that it cannot accommodate thirty (30) or more ~~than thirty~~ rounds of ammunition;
  - (2) A .22 caliber tube ammunition feeding device;
  - (3) A tubular magazine that is contained in a lever-action firearm;
  - (4) A magazine that is permanently inoperable.
- (O) "Safe storage" means:
  - (1) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;
  - (2) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or
  - (3) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

### **2323.23 Immunity from prosecution.**

- (A) No person who acquires, possesses, or carries a firearm or dangerous ordnance in violation of section 2323.13 shall be prosecuted for such violation, if the person reports the possession of firearms or dangerous ordnance to the Columbus Division of Police, describes the firearms or dangerous ordnances in the person's possession and where they may be found, and voluntarily surrenders the firearms or dangerous ordnances to the Division of Police. A surrender is not voluntary if it occurs when the person is taken into custody or during a pursuit or attempt to take the person into custody under circumstances indicating that the surrender is made under threat of force.
- (B) No person in violation of section 2323.13 solely by reason of the person's being under indictment shall be prosecuted for such violation if, within ten days after service of the indictment, the person voluntarily surrenders the firearms and dangerous ordnances in the person's possession to any law enforcement authority pursuant to section 2923.23(A) of the Revised Code, for safekeeping pending disposition of the indictment or of an application for relief

under section 2923.14 of the Revised Code.

- (C) Evidence obtained from or by reason of an application or proceeding under section 2923.14 of the Revised Code for relief from disability, shall not be used in a prosecution of the applicant for any violation of section 2323.13.
- (D) Evidence obtained from or by reason of an application under section 2923.18 of the Revised Code for a permit to possess dangerous ordnance, shall not be used in a prosecution of the applicant for any violation of section 2323.13.

(E) No person who lawfully acquired or possessed a large capacity magazine prior to December 5, 2022 shall be prosecuted for lawfully possessing a large capacity magazine in violation of section 2323.32 prior to July 1, 2023. Any person who may not lawfully possess a large-capacity magazine as of December 5, 2022, shall, prior to July 1, 2023:

(1) Remove the large-capacity magazine from the City limits; or

(2) Prior to July 1, 2023, sell the large-capacity magazine to a licensed firearms dealer located outside of the City limits; or

(3) Surrender the large capacity magazine for destruction by reporting the possession of the large capacity magazine to the Columbus Division of Police, describing the large capacity magazine in the person's possession and where the person may be found, and voluntarily surrendering the large capacity magazine to the Division of Police.

(F) Any person who may not lawfully possess a large-capacity magazine as of December 5, 2022, who fails to dispose of the large capacity magazine by July 1, 2023 in accordance with division (E) of this section may surrender the large capacity magazine for destruction by reporting the possession of the large capacity magazine to the Columbus Division of Police, describing the large capacity magazine in the person's possession and where the person may be found, and voluntarily surrendering the large capacity magazine to the Division of Police. A surrender is not voluntary if it occurs when the person is taken into custody or during a pursuit or attempt to take the person into custody under circumstances indicating that the surrender is made under threat of force.

### **2323.321 Alternate large capacity magazine provision if Ohio Revised Code Section 9.68 is reinstated.**

If a court of competent jurisdiction reinstates Ohio Revised Code Section 9.68 which governs the regulation of firearms by a political subdivision or if the definition of "Large capacity magazine" in Section 2323.11 of the Columbus City Codes is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, then the definition of a "Large capacity magazine" under Section 2323.11 shall be as follows:

"Large capacity magazine" means any magazine, belt, drum, feed strip, clip or other similar device that has the capacity of, or can be readily restored or converted to accept, one hundred (100) or more rounds of ammunition for use in a firearm other than a handgun. A "large capacity magazine" does not include any of the following:

- (1) A feeding device that has been permanently altered so that it cannot accommodate one hundred (100) or more ~~than one hundred~~ rounds of ammunition;
- (2) A .22 caliber tube ammunition feeding device;
- (3) A tubular magazine that is contained in a lever-action firearm;
- (4) A magazine that is permanently inoperable.

**Section 2.** That existing sections 2323.11, 2323.23 and 2323.321 of the Columbus City Codes are hereby repealed.

**Section 3.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.