



Legislation Text

File #: 3189-2019, **Version:** 1

Explanation

The purpose of this ordinance is to repeal section 2323.171 of the Columbus City Code - Unlawful Possession of Firearm Accessory. Subsequent amendments to the definition of a machine gun in federal firearms regulations have made it a felony federal offense to possess illegal rate of fire acceleration firearms accessories such as bump stocks, calling into question whether such devices therefore would be considered dangerous ordnances pursuant to state law. Possession of a dangerous ordnance is likewise a felony offense under state law necessitating a repeal of the city misdemeanor ordinance. Emergency action is requested to allow this ordinance to be repealed in order to abate an immediate conflict with the Ohio Revised Code.

To repeal section 2323.171 of the Columbus City Code pertaining to illegal possession of rate of fire acceleration firearms accessories; and to declare an emergency.

WHEREAS, the City, pursuant to its Home Rule authority, had enacted an ordinance prohibiting the possession and carrying of illegal rate of fire acceleration firearms accessories which was signed into law on May 15, 2018 pursuant to Ordinance 1116-2018; and

WHEREAS, the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives published a final rule prohibiting the ownership of a "bump-stock-type device" on December 26, 2018; and

WHEREAS, this Federal Rule clarified that bump stock type devices and devices with similar characteristics are "machineguns" as defined by the National Firearms Act of 1934. 83 Fed. Reg. 66514; and

WHEREAS, the Ohio Revised Code classifies the possession of a dangerous ordnance as a felony of the fifth degree at RC 2923.17; and

WHEREAS, the definition of a dangerous ordnance under the Revised Code includes any automatic firearm. An automatic firearm is defined to mean "any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger" and a machine gun is such a firearm; and

WHEREAS, there exists a current conflict between the Columbus City Code provision and state law creating an emergency in the usual daily operation of the City Attorney's Office; now, therefore,

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

SECTION 1. That section 2323.171 of the Columbus City Codes is hereby repealed.

SECTION 2. That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby 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.