

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 240

Representatives Kelly, Miranda

**Cosponsors: Representatives Smith, K., Galonski, Russo, Boggs, Miller, A.,
Lightbody, Weinstein, Kent, Crossman, Lepore-Hagan, Strahorn**

A BILL

To enact section 2923.191 of the Revised Code to 1
prohibit negligent storage of a firearm and to 2
provide criminal penalties if a minor gains 3
access to an improperly stored firearm. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2923.191 of the Revised Code be 5
enacted to read as follows: 6

Sec. 2923.191. (A) (1) No person shall store or leave a 7
firearm in a manner or location in the person's residence where 8
the person knows or reasonably should know a minor is able to 9
gain access to the firearm. 10

(2) (a) This section does not apply to a person who stores 11
or leaves a firearm in the person's residence if the firearm is 12
kept in safe storage or equipped with a tamper-resistant 13
mechanical lock or other safety device that is properly engaged 14
so as to render the weapon inoperable by any person other than 15
the owner of the firearm or any other lawfully authorized user 16
of the firearm. 17

(b) This section does not apply to a person who stores or 18
leaves a firearm in the person's residence if a minor gains 19
access to the firearm as a result of any other person's unlawful 20
entry into the person's residence. 21

(B) (1) Whoever violates this section is guilty of 22
criminally negligent storage of a firearm if a minor gains 23
access to the firearm as a result of the violation without the 24
lawful permission of the minor's parent, guardian, or custodian. 25

(2) Except as provided in division (B) (3) of this section, 26
a violation of this section is a misdemeanor of the third 27
degree. 28

(3) If the minor gains access to the firearm as a result 29
of the violation and, without the lawful permission of the 30
minor's parent, guardian, or custodian, uses the firearm to 31
cause personal injury or death, other than in self-defense, a 32
violation of this section is a felony of the first degree. 33

(C) Nothing in this section prohibits a person who is in 34
the person's residence from carrying a firearm on the person's 35
person or placing a firearm in a location that is under the 36
person's immediate control. 37