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Office of Research
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Legislative Budget
Office

H.B. 262
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Miranda and Kelly

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SUMMARY

- Prohibits a person from storing or leaving a firearm in the person's residence if the person knows or reasonably should know that a minor could gain access to the firearm, unless one of several exceptions applies.
- Specifies that a person who is in the person's residence is not prohibited from carrying a firearm on the person's person or placing a firearm in a location that is under the person's immediate control.
- Authorizes a nonrefundable personal income tax credit for the purchase of firearms safety storage units.

DETAILED ANALYSIS

Criminally negligent storage of a firearm

Elements of the crime

The bill establishes the crime of criminally negligent storage of a firearm. Subject to the exceptions described below, the bill prohibits a person from storing or leaving a firearm in a manner or location in the person's residence if the person knows or reasonably should know that a minor is able to gain access to the firearm. Whoever violates this prohibition is guilty of criminally negligent storage of a firearm if, without the lawful permission of the minor's parent, guardian, or custodian, a minor gains access to the firearm.¹ Criminally negligent storage of a firearm is generally a third degree misdemeanor.² If the minor gains access to the firearm as a result of the violation and uses the firearm to cause serious physical harm, the violation is a

¹ R.C. 2923.191(A) and (B).

² R.C. 2923.191(B)(2).

fourth degree felony.³ If the minor gains access as a result of the violation and uses the firearm to cause death, the violation is a third degree felony.⁴ The bill specifies that nothing in the bill prohibits a person who is in the person's residence from carrying a firearm on the person's person or placing a firearm in a location that is under the person's immediate control.⁵

Exceptions to the crime

The bill's prohibition does not apply to a person who stores or leaves a firearm in the person's residence if the firearm has been secured by placing it in a locked container or has been rendered temporarily inoperable by a tamper-resistant mechanical lock or other safety device.⁶ Continuing law requires federally licensed firearms dealers, at the time of the sale of a firearm, to offer for sale to the firearm purchaser a trigger lock, gun lock, or gun locking device appropriate for that firearm.⁷ In addition, the bill's prohibition does not apply to a person who stores or leaves a firearm in the person's residence if a minor gains access to the firearm as a result of any other person's unlawful entry into the person's residence, or if a minor gains access to the firearm and uses the firearm for the purpose of self-defense.⁸

Definition of "firearm"

Continuing law defines a "firearm" as any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, including an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.⁹

Income tax credit for firearms safety storage unit purchases

The bill authorizes a nonrefundable personal income tax credit for amounts spent by a taxpayer during the taxable year to purchase "firearms safety storage units." The amount of the credit equals 20% of the purchase price of each firearms safety storage unit, but the maximum credit that may be claimed by a taxpayer in any taxable year is \$400.

A firearms safety storage unit is a safe, 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, combination, biometric identifier, or other similar means.¹⁰

The credit may be claimed for taxable years beginning on or after January 1, 2022.¹¹

³ R.C. 2923.191(B)(3).

⁴ R.C. 2923.191(B)(4).

⁵ R.C. 2923.191(C).

⁶ R.C. 2923.191(A)(2)(a).

⁷ R.C. 2923.25, not in the bill.

⁸ R.C. 2923.191(A)(2)(b) and (c).

⁹ R.C. 2923.11(B), not in the bill.

¹⁰ R.C. 5747.72, 5747.08, and 5747.98.

¹¹ Section 3.

HISTORY

Action	Date
Introduced	04-20-21
