

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 62

Representatives Loychik, Grendell

**Cosponsors: Representatives Edwards, Wiggam, Jones, Powell, Riedel, Fowler
Arthur, Vitale, Hillyer, Young, T., Cross, Lampton, Merrin**

A BILL

To enact section 2923.50 of the Revised Code to 1
designate the State of Ohio as a Second 2
Amendment Sanctuary State and to name this act 3
the Ohio Second Amendment Safe Haven Act. 4

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

Section 1. That section 2923.50 of the Revised Code be 5
enacted to read as follows: 6

Sec. 2923.50. (A) For purposes of this section: 7

"Law-abiding citizen" means a person who is not otherwise 8
precluded under state law from possessing a firearm and shall 9
not be construed to include anyone who is not legally present in 10
the United States or this state. 11

"Law enforcement officer" has the same meaning as in 12
section 9.69 of the Revised Code. 13

"Political subdivision" means a county, township, 14
municipal corporation, or any other body corporate and politic 15
responsible for governmental activities in a geographic area 16

smaller than that of the state. 17

"Public office" includes any state agency, public 18
institution, political subdivision, or other organized body, 19
office, agency, institution, or entity established by the laws 20
of this state for the exercise of any function of government. 21

"Public officer" includes all officers, employees, or duly 22
authorized representatives or agents of a public office. 23

(B) (1) The general assembly of the state of Ohio is firmly 24
resolved to support and defend the Constitution of the United 25
States against every aggression, whether foreign or domestic, 26
and is duty-bound to oppose every infraction of those principles 27
that constitute the basis of the union of the states because 28
only a faithful observance of those principles can secure the 29
union's existence and the public happiness. 30

(2) Acting through the Constitution of the United States, 31
the people of the several states created the federal government 32
to be their agent in the exercise of a few defined powers, while 33
reserving for the state governments the power to legislate on 34
matters concerning the lives, liberties, and properties of 35
citizens in the ordinary course of affairs. 36

(3) The limitation of the federal government's power is 37
affirmed under the Tenth Amendment to the United States 38
Constitution, which defines the total scope of federal powers as 39
being that which has been delegated by the people of the several 40
states to the federal government, and all powers not delegated 41
to the federal government in the Constitution of the United 42
States is reserved to the states respectively or the people 43
themselves. 44

(4) If the federal government assumes powers that the 45

people did not grant it in the Constitution of the United States, its acts are unauthoritative, void, and of no force. 46
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(5) The several states of the United States respect the proper role of the federal government but reject the proposition that such respect requires unlimited submission. 48
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(6) If the federal government, created by a compact among the states, was the exclusive or final judge of the extent of the powers granted to it by the states through the Constitution of the United States, the federal government's discretion, and not the Constitution of the United States, would necessarily become the measure of those powers. To the contrary, as in all other cases of compacts among powers having no common judge, each party has an equal right to judge for itself as to whether infractions of the compact have occurred, as well as to determine the mode and measure of redress. Although the several states have granted supremacy to laws and treaties made under the powers granted in the Constitution of the United States, such supremacy does not extend to various federal statutes, executive orders, administrative orders, court orders, rules, regulations, or other actions that collect data or restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition exclusively within the borders of Ohio; such statutes, executive orders, administrative orders, court orders, rules, regulations, and other actions exceed the powers granted to the federal government except to the extent they are necessary and proper for governing and regulating the United States armed forces or for organizing, arming, and disciplining militia forces actively employed in the service of the United States armed forces. 51
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(7) The people of the several states have given Congress 75

the power "to regulate commerce with foreign nations, and among 76
the several states," but "regulating commerce" does not include 77
the power to limit citizens' right to keep and bear arms in 78
defense of their families, neighbors, persons, or property, or 79
to dictate what sort of arms and accessories law-abiding Ohioans 80
may buy, sell, exchange, or otherwise possess within the borders 81
of this state. 82

(8) The people of the several states also have granted 83
Congress the power "to lay and collect taxes, duties, imports, 84
and excises, to pay the debts, and provide for the common 85
defense and general welfare of the United States" and "to make 86
all laws which shall be necessary and proper for carrying into 87
execution the powers vested by the Constitution of the United 88
States in the government of the United States, or in any 89
department or office thereof." These constitutional provisions 90
merely identify the means by which the federal government may 91
execute its limited powers and shall not be construed to grant 92
unlimited power because to do so would be to destroy the 93
carefully constructed equilibrium between the federal and state 94
governments. Consequently, the general assembly rejects any 95
claim that the taxing and spending powers of congress may be 96
used to diminish in any way the right of the people to keep and 97
bear arms. 98

(9) The people of this state have vested the general 99
assembly with the authority to regulate the manufacture, 100
possession, exchange, and use of firearms within the borders of 101
this state, subject only to the limits imposed by the Second 102
Amendment to the United States Constitution and the Constitution 103
of Ohio. 104

(10) The general assembly of the state of Ohio strongly 105

promotes responsible gun ownership, including parental 106
supervision of minors in the proper use, storage, and ownership 107
of all firearms; the prompt reporting of stolen firearms; and 108
the proper enforcement of all state gun laws. The general 109
assembly condemns any unlawful transfer of firearms and the use 110
of any firearm in any criminal or unlawful activity. 111

(C) The following federal acts, laws, executive orders, 112
administrative orders, court orders, rules, and regulations 113
shall be considered infringements on the people's right to keep 114
and bear arms, as guaranteed by the Second Amendment to the 115
United States Constitution and Section 4 of Article I, Ohio 116
Constitution within the borders of this state including, but not 117
limited to, all of the following: 118

(1) Any tax, levy, fee, or stamp imposed on firearms, 119
firearm accessories, or ammunition not common to all other goods 120
and services and that might reasonably be expected to create a 121
chilling effect on the purchase or ownership of those items by 122
law-abiding citizens; 123

(2) Any registering or tracking of firearms, firearm 124
accessories, or ammunition that might reasonably be expected to 125
create a chilling effect on the purchase or ownership of those 126
items by law-abiding citizens; 127

(3) Any registering or tracking of the owners of firearms, 128
firearm accessories, or ammunition that might reasonably be 129
expected to create a chilling effect on the purchase or 130
ownership of those items by law-abiding citizens; 131

(4) Any act forbidding the possession, ownership, or use 132
or transfer of a firearm, firearm accessory, or ammunition by 133
law-abiding citizens; 134

(5) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens. 135
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(D) All federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations, whether enacted before or after the enactment of this section, that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Section 4 of Article I, Ohio Constitution shall be invalid in this state, shall not be recognized by this state, shall be specifically rejected by this state, and shall be considered null, void, and of no effect in this state. 137
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(E) It shall be the duty of the courts and law enforcement agencies of this state to protect the rights of law-abiding citizens to keep and bear arms within the borders of this state and to protect these rights from the infringements defined under this section. 146
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(F) No person, including any public officer or employee of this state or any political subdivision of this state, shall have the authority to enforce or attempt to enforce any federal acts, laws, executive orders, administrative orders, court orders, rules, regulations, statutes, or ordinances infringing on the right to keep and bear arms as described under this section. 151
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(G) (1) Notwithstanding any other provision of the Revised Code, any entity or person who knowingly violates the provisions of this section or otherwise knowingly deprives a citizen of this state of the rights or privileges ensured by the Second Amendment to the United States Constitution or Section 4 of Article I, Ohio Constitution, while acting under the color of any state or federal law, shall be liable to the injured party 158
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in an action at law, suit in equity, or other proper proceeding 165
for redress. 166

(2) In such actions, the court may award the prevailing 167
party, other than the state of Ohio or any political subdivision 168
of the state, reasonable attorney's fees and costs. 169

(3) Sovereign, official, or qualified immunity is not an 170
affirmative defense in such actions. 171

(H) (1) Any person acting as an official, agent, employee, 172
or deputy of the government of the United States, or otherwise 173
acting under the color of federal law within the borders of this 174
state, who knowingly does either of the following shall be 175
permanently ineligible to serve as a law enforcement officer or 176
to supervise law enforcement officers for the state or any 177
political subdivision of the state: 178

(a) Enforces or attempts to enforce any of the 179
infringements identified in this section; 180

(b) Gives material aid and support to the efforts of 181
others who enforce or attempt to enforce any of the 182
infringements identified in this section. 183

(2) Neither the state nor any political subdivision of the 184
state shall employ as a law enforcement officer or supervisor of 185
law enforcement officers any person who is ineligible to serve 186
in such capacity under this section. 187

(3) Any person residing or conducting business in a 188
jurisdiction who believes that a law enforcement officer or 189
supervisor of law enforcement officers of such jurisdiction has 190
taken action that would render that officer or supervisor 191
ineligible under this section to serve in such capacity shall 192
have standing to pursue an action for declaratory judgment in 193

the court of common pleas of the county in which the action 194
allegedly occurred, or in the court of common pleas of Franklin 195
county, with respect to the employment eligibility of the law 196
enforcement officer or the supervisor of law enforcement 197
officers under this section. 198

(4) If a court determines that a law enforcement officer 199
or supervisor of law enforcement officers has taken any action 200
that would render the officer or supervisor ineligible to serve 201
in that capacity under this section, both of the following 202
apply: 203

(a) The law enforcement officer or supervisor of law 204
enforcement officers shall immediately be terminated from the 205
officer's or supervisor's position. 206

(b) The jurisdiction that had employed the ineligible law 207
enforcement officer or supervisor of law enforcement officers 208
shall be required to pay the court costs and attorney's fees 209
associated with the declaratory judgment action that resulted in 210
the finding of ineligibility. 211

(5) Nothing in this section precludes a person's right of 212
appeal or remediation provided under the Revised Code. 213

Section 2. This act shall be known as the Ohio Second 214
Amendment Safe Haven Act. 215