

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 354**

**Representatives Boyd, Williams, S.**

**Cosponsors: Representatives DeBose, Foley, Miller, Skindell, Yuko, Budish**

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**A B I L L**

To amend sections 2151.022, 2152.02, and 2923.19 and 1  
to enact section 2923.212 of the Revised Code to 2  
prohibit any person under twenty-one years of age 3  
from possessing a firearm, subject to specified 4  
exceptions for lawful hunting, sporting, or 5  
educational purposes and for law enforcement 6  
officers; to expand the offense of failure to 7  
secure dangerous ordnance so that it also 8  
prohibits a failure to secure a firearm; to amend 9  
the version of section 2152.02 of the Revised Code 10  
that takes effect on January 1, 2008, to retain 11  
the provisions of this act on and after that date; 12  
and to declare an emergency. 13

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

**Section 1.** That sections 2151.022, 2152.02, and 2923.19 be 14  
amended and section 2923.212 of the Revised Code be enacted to 15  
read as follows: 16

**Sec. 2151.022.** As used in this chapter, "unruly child" 17  
includes any of the following: 18

(A) Any child who does not submit to the reasonable control 19

of the child's parents, teachers, guardian, or custodian, by 20  
reason of being wayward or habitually disobedient; 21

(B) Any child who is an habitual truant from school and who 22  
previously has not been adjudicated an unruly child for being an 23  
habitual truant; 24

(C) Any child who behaves in a manner as to injure or 25  
endanger the child's own health or morals or the health or morals 26  
of others; 27

(D) Any child who violates a law, other than division (C) of 28  
section 2907.39, division (A) of section 2923.211, division (A) of 29  
section 2923.212, division (C)(1) or (D) of section 2925.55, or 30  
section 2151.87 of the Revised Code, that is applicable only to a 31  
child. 32

**Sec. 2152.02.** As used in this chapter: 33

(A) "Act charged" means the act that is identified in a 34  
complaint, indictment, or information alleging that a child is a 35  
delinquent child. 36

(B) "Admitted to a department of youth services facility" 37  
includes admission to a facility operated, or contracted for, by 38  
the department and admission to a comparable facility outside this 39  
state by another state or the United States. 40

(C)(1) "Child" means a person who is under eighteen years of 41  
age, except as otherwise provided in divisions (C)(2) to (6) of 42  
this section. 43

(2) Subject to division (C)(3) of this section, any person 44  
who violates a federal or state law or a municipal ordinance prior 45  
to attaining eighteen years of age shall be deemed a "child" 46  
irrespective of that person's age at the time the complaint with 47  
respect to that violation is filed or the hearing on the complaint 48  
is held. 49

(3) Any person who, while under eighteen years of age, 50  
commits an act that would be a felony if committed by an adult and 51  
who is not taken into custody or apprehended for that act until 52  
after the person attains twenty-one years of age is not a child in 53  
relation to that act. 54

(4) Any person whose case is transferred for criminal 55  
prosecution pursuant to section 2152.12 of the Revised Code shall 56  
be deemed after the transfer not to be a child in the transferred 57  
case. 58

(5) Any person whose case is transferred for criminal 59  
prosecution pursuant to section 2152.12 of the Revised Code and 60  
who subsequently is convicted of or pleads guilty to a felony in 61  
that case, and any person who is adjudicated a delinquent child 62  
for the commission of an act, who has a serious youthful offender 63  
dispositional sentence imposed for the act pursuant to section 64  
2152.13 of the Revised Code, and whose adult portion of the 65  
dispositional sentence is invoked pursuant to section 2152.14 of 66  
the Revised Code, shall be deemed after the transfer or invocation 67  
not to be a child in any case in which a complaint is filed 68  
against the person. 69

(6) The juvenile court has jurisdiction over a person who is 70  
adjudicated a delinquent child or juvenile traffic offender prior 71  
to attaining eighteen years of age until the person attains 72  
twenty-one years of age, and, for purposes of that jurisdiction 73  
related to that adjudication, except as otherwise provided in this 74  
division, a person who is so adjudicated a delinquent child or 75  
juvenile traffic offender shall be deemed a "child" until the 76  
person attains twenty-one years of age. If a person is so 77  
adjudicated a delinquent child or juvenile traffic offender and 78  
the court makes a disposition of the person under this chapter, at 79  
any time after the person attains eighteen years of age, the 80  
places at which the person may be held under that disposition are 81

not limited to places authorized under this chapter solely for 82  
confinement of children, and the person may be confined under that 83  
disposition, in accordance with division (F)(2) of section 2152.26 84  
of the Revised Code, in places other than those authorized under 85  
this chapter solely for confinement of children. 86

(D) "Chronic truant" means any child of compulsory school age 87  
who is absent without legitimate excuse for absence from the 88  
public school the child is supposed to attend for seven or more 89  
consecutive school days, ten or more school days in one school 90  
month, or fifteen or more school days in a school year. 91

(E) "Community corrections facility," "public safety beds," 92  
"release authority," and "supervised release" have the same 93  
meanings as in section 5139.01 of the Revised Code. 94

(F) "Delinquent child" includes any of the following: 95

(1) Any child, except a juvenile traffic offender, who 96  
violates any law of this state or the United States, or any 97  
ordinance of a political subdivision of the state, that would be 98  
an offense if committed by an adult; 99

(2) Any child who violates any lawful order of the court made 100  
under this chapter or under Chapter 2151. of the Revised Code 101  
other than an order issued under section 2151.87 of the Revised 102  
Code; 103

(3) Any child who violates division (C) of section 2907.39 104  
~~or~~, division (A) of section 2923.211, division (A) of section 105  
2923.212, or division (C)(1) or (D) of section 2925.55 of the 106  
Revised Code; 107

(4) Any child who is a habitual truant and who previously has 108  
been adjudicated an unruly child for being a habitual truant; 109

(5) Any child who is a chronic truant. 110

(G) "Discretionary serious youthful offender" means a person 111

who is eligible for a discretionary SYO and who is not transferred 112  
to adult court under a mandatory or discretionary transfer. 113

(H) "Discretionary SYO" means a case in which the juvenile 114  
court, in the juvenile court's discretion, may impose a serious 115  
youthful offender disposition under section 2152.13 of the Revised 116  
Code. 117

(I) "Discretionary transfer" means that the juvenile court 118  
has discretion to transfer a case for criminal prosecution under 119  
division (B) of section 2152.12 of the Revised Code. 120

(J) "Drug abuse offense," "felony drug abuse offense," and 121  
"minor drug possession offense" have the same meanings as in 122  
section 2925.01 of the Revised Code. 123

(K) "Electronic monitoring" and "electronic monitoring 124  
device" have the same meanings as in section 2929.01 of the 125  
Revised Code. 126

(L) "Economic loss" means any economic detriment suffered by 127  
a victim of a delinquent act or juvenile traffic offense as a 128  
direct and proximate result of the delinquent act or juvenile 129  
traffic offense and includes any loss of income due to lost time 130  
at work because of any injury caused to the victim and any 131  
property loss, medical cost, or funeral expense incurred as a 132  
result of the delinquent act or juvenile traffic offense. 133  
"Economic loss" does not include non-economic loss or any punitive 134  
or exemplary damages. 135

(M) "Firearm" has the same meaning as in section 2923.11 of 136  
the Revised Code. 137

(N) "Juvenile traffic offender" means any child who violates 138  
any traffic law, traffic ordinance, or traffic regulation of this 139  
state, the United States, or any political subdivision of this 140  
state, other than a resolution, ordinance, or regulation of a 141  
political subdivision of this state the violation of which is 142

required to be handled by a parking violations bureau or a joint parking violations bureau pursuant to Chapter 4521. of the Revised Code. 143  
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(O) A "legitimate excuse for absence from the public school the child is supposed to attend" has the same meaning as in section 2151.011 of the Revised Code. 146  
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(P) "Mandatory serious youthful offender" means a person who is eligible for a mandatory SYO and who is not transferred to adult court under a mandatory or discretionary transfer. 149  
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(Q) "Mandatory SYO" means a case in which the juvenile court is required to impose a mandatory serious youthful offender disposition under section 2152.13 of the Revised Code. 152  
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(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code. 155  
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(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code. 158  
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(T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 160  
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(U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code. 162  
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(V) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 164  
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(W) "Public record" has the same meaning as in section 149.43 of the Revised Code. 166  
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(X) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer. 168  
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(Y) "Sexually oriented offense," "habitual sex offender," 172

"juvenile offender registrant," "sexual predator," "presumptive registration-exempt sexually oriented offense," 173  
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"registration-exempt sexually oriented offense," "child-victim oriented offense," "habitual child-victim offender," and 175  
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"child-victim predator" have the same meanings as in section 177  
2950.01 of the Revised Code. 178

(Z) "Traditional juvenile" means a case that is not 179  
transferred to adult court under a mandatory or discretionary 180  
transfer, that is eligible for a disposition under sections 181  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 182  
that is not eligible for a disposition under section 2152.13 of 183  
the Revised Code. 184

(AA) "Transfer" means the transfer for criminal prosecution 185  
of a case involving the alleged commission by a child of an act 186  
that would be an offense if committed by an adult from the 187  
juvenile court to the appropriate court that has jurisdiction of 188  
the offense. 189

(BB) "Category one offense" means any of the following: 190

(1) A violation of section 2903.01 or 2903.02 of the Revised 191  
Code; 192

(2) A violation of section 2923.02 of the Revised Code 193  
involving an attempt to commit aggravated murder or murder. 194

(CC) "Category two offense" means any of the following: 195

(1) A violation of section 2903.03, 2905.01, 2907.02, 196  
2909.02, 2911.01, or 2911.11 of the Revised Code; 197

(2) A violation of section 2903.04 of the Revised Code that 198  
is a felony of the first degree; 199

(3) A violation of section 2907.12 of the Revised Code as it 200  
existed prior to September 3, 1996. 201

(DD) "Non-economic loss" means nonpecuniary harm suffered by 202

a victim of a delinquent act or juvenile traffic offense as a 203  
result of or related to the delinquent act or juvenile traffic 204  
offense, including, but not limited to, pain and suffering; loss 205  
of society, consortium, companionship, care, assistance, 206  
attention, protection, advice, guidance, counsel, instruction, 207  
training, or education; mental anguish; and any other intangible 208  
loss. 209

Sec. 2923.212. (A) No person under eighteen years of age 210  
shall knowingly possess a firearm. 211

(B) No person eighteen years of age or older and under 212  
twenty-one years of age shall knowingly possess a firearm. 213

(C) Division (A) of this section does not apply to the 214  
possession of a firearm by a person under eighteen years of age 215  
and division (B) of this section does not apply to the possession 216  
of a firearm by a person eighteen years of age or older and under 217  
twenty-one years of age if the person under eighteen years of age 218  
or the person eighteen years of age or older and under twenty-one 219  
years of age, whichever is applicable, possesses the firearm under 220  
the supervision or control of a responsible adult who is 221  
twenty-one years of age or older for lawful hunting, sporting, or 222  
educational purposes, including, but not limited to, instruction 223  
in firearms or handgun safety, care, handling, or marksmanship. 224

(D) Division (B) of this section does not apply to a person 225  
eighteen years of age or older and under twenty-one years of age 226  
if the person is a law enforcement officer who is properly 227  
appointed or employed as a law enforcement officer and has 228  
received firearms training approved by the Ohio peace officer 229  
training council or equivalent firearms training. 230

(E) Whoever violates division (A) of this section is guilty 231  
of juvenile possession of a firearm, a delinquent act that would 232  
be a misdemeanor of the first degree if it could be committed by 233

an adult. Whoever violates division (B) of this section is guilty 234  
of underage possession of a firearm, a misdemeanor of the first 235  
degree. 236

**Sec. 2923.19.** (A) No person, in acquiring, possessing, 237  
carrying, or using any dangerous ordnance or firearm, shall 238  
negligently fail to take proper precautions: 239

(1) To secure the dangerous ordnance or firearm against 240  
theft, or against its acquisition or use by any of the following: 241

(a) An unauthorized or incompetent person; 242

(b) A person under eighteen years of age; 243

(c) A person eighteen years of age or older and under 244  
twenty-one years of age. 245

(2) To insure the safety of persons and property. 246

(B) It is not a violation of division (A)(1)(b) of this 247  
section if the weapon involved is a firearm and it is acquired or 248  
used by a person under eighteen years of age in accordance with 249  
the lawful circumstances described in division (A)(3) of section 250  
2923.21 or in accordance with division (C) of section 2923.212 of 251  
the Revised Code. 252

(C) It is not a violation of division (A)(1)(c) of this 253  
section if the weapon involved is a firearm and it is acquired or 254  
used by a person eighteen years of age or older and under 255  
twenty-one years of age in accordance with the lawful 256  
circumstances described in division (A)(3) of section 2923.21 or 257  
in accordance with division (B) of section 2923.21, division (B) 258  
of section 2923.211, or division (C) or (D) of section 2923.212 of 259  
the Revised Code. 260

(D) Whoever violates this section is guilty of failure to 261  
secure dangerous ordnance or a firearm, a misdemeanor of the 262  
~~second~~ first degree. 263

**Section 2.** That existing sections 2151.022, 2152.02, and 264  
2923.19 of the Revised Code are hereby repealed. 265

**Section 3.** That the version of section 2152.02 of the Revised 266  
Code that is to take effect on January 1, 2008, be amended to read 267  
as follows: 268

**Sec. 2152.02.** As used in this chapter: 269

(A) "Act charged" means the act that is identified in a 270  
complaint, indictment, or information alleging that a child is a 271  
delinquent child. 272

(B) "Admitted to a department of youth services facility" 273  
includes admission to a facility operated, or contracted for, by 274  
the department and admission to a comparable facility outside this 275  
state by another state or the United States. 276

(C)(1) "Child" means a person who is under eighteen years of 277  
age, except as otherwise provided in divisions (C)(2) to (6) of 278  
this section. 279

(2) Subject to division (C)(3) of this section, any person 280  
who violates a federal or state law or a municipal ordinance prior 281  
to attaining eighteen years of age shall be deemed a "child" 282  
irrespective of that person's age at the time the complaint with 283  
respect to that violation is filed or the hearing on the complaint 284  
is held. 285

(3) Any person who, while under eighteen years of age, 286  
commits an act that would be a felony if committed by an adult and 287  
who is not taken into custody or apprehended for that act until 288  
after the person attains twenty-one years of age is not a child in 289  
relation to that act. 290

(4) Any person whose case is transferred for criminal 291  
prosecution pursuant to section 2152.12 of the Revised Code shall 292

be deemed after the transfer not to be a child in the transferred case. 293  
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(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case, and any person who is adjudicated a delinquent child for the commission of an act, who has a serious youthful offender dispositional sentence imposed for the act pursuant to section 2152.13 of the Revised Code, and whose adult portion of the dispositional sentence is invoked pursuant to section 2152.14 of the Revised Code, shall be deemed after the transfer or invocation not to be a child in any case in which a complaint is filed against the person. 295  
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(6) The juvenile court has jurisdiction over a person who is adjudicated a delinquent child or juvenile traffic offender prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, except as otherwise provided in this division, a person who is so adjudicated a delinquent child or juvenile traffic offender shall be deemed a "child" until the person attains twenty-one years of age. If a person is so adjudicated a delinquent child or juvenile traffic offender and the court makes a disposition of the person under this chapter, at any time after the person attains eighteen years of age, the places at which the person may be held under that disposition are not limited to places authorized under this chapter solely for confinement of children, and the person may be confined under that disposition, in accordance with division (F)(2) of section 2152.26 of the Revised Code, in places other than those authorized under this chapter solely for confinement of children. 306  
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(D) "Chronic truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the 323  
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public school the child is supposed to attend for seven or more 325  
consecutive school days, ten or more school days in one school 326  
month, or fifteen or more school days in a school year. 327

(E) "Community corrections facility," "public safety beds," 328  
"release authority," and "supervised release" have the same 329  
meanings as in section 5139.01 of the Revised Code. 330

(F) "Delinquent child" includes any of the following: 331

(1) Any child, except a juvenile traffic offender, who 332  
violates any law of this state or the United States, or any 333  
ordinance of a political subdivision of the state, that would be 334  
an offense if committed by an adult; 335

(2) Any child who violates any lawful order of the court made 336  
under this chapter or under Chapter 2151. of the Revised Code 337  
other than an order issued under section 2151.87 of the Revised 338  
Code; 339

(3) Any child who violates division (C) of section 2907.39, 340  
division (A) of section 2923.211, division (A) of section 341  
2923.212, or division (C)(1) or (D) of section 2925.55 of the 342  
Revised Code; 343

(4) Any child who is a habitual truant and who previously has 344  
been adjudicated an unruly child for being a habitual truant; 345

(5) Any child who is a chronic truant. 346

(G) "Discretionary serious youthful offender" means a person 347  
who is eligible for a discretionary SYO and who is not transferred 348  
to adult court under a mandatory or discretionary transfer. 349

(H) "Discretionary SYO" means a case in which the juvenile 350  
court, in the juvenile court's discretion, may impose a serious 351  
youthful offender disposition under section 2152.13 of the Revised 352  
Code. 353

(I) "Discretionary transfer" means that the juvenile court 354

has discretion to transfer a case for criminal prosecution under 355  
division (B) of section 2152.12 of the Revised Code. 356

(J) "Drug abuse offense," "felony drug abuse offense," and 357  
"minor drug possession offense" have the same meanings as in 358  
section 2925.01 of the Revised Code. 359

(K) "Electronic monitoring" and "electronic monitoring 360  
device" have the same meanings as in section 2929.01 of the 361  
Revised Code. 362

(L) "Economic loss" means any economic detriment suffered by 363  
a victim of a delinquent act or juvenile traffic offense as a 364  
direct and proximate result of the delinquent act or juvenile 365  
traffic offense and includes any loss of income due to lost time 366  
at work because of any injury caused to the victim and any 367  
property loss, medical cost, or funeral expense incurred as a 368  
result of the delinquent act or juvenile traffic offense. 369  
"Economic loss" does not include non-economic loss or any punitive 370  
or exemplary damages. 371

(M) "Firearm" has the same meaning as in section 2923.11 of 372  
the Revised Code. 373

(N) "Juvenile traffic offender" means any child who violates 374  
any traffic law, traffic ordinance, or traffic regulation of this 375  
state, the United States, or any political subdivision of this 376  
state, other than a resolution, ordinance, or regulation of a 377  
political subdivision of this state the violation of which is 378  
required to be handled by a parking violations bureau or a joint 379  
parking violations bureau pursuant to Chapter 4521. of the Revised 380  
Code. 381

(O) A "legitimate excuse for absence from the public school 382  
the child is supposed to attend" has the same meaning as in 383  
section 2151.011 of the Revised Code. 384

(P) "Mandatory serious youthful offender" means a person who 385

is eligible for a mandatory SYO and who is not transferred to	386
adult court under a mandatory or discretionary transfer.	387
(Q) "Mandatory SYO" means a case in which the juvenile court	388
is required to impose a mandatory serious youthful offender	389
disposition under section 2152.13 of the Revised Code.	390
(R) "Mandatory transfer" means that a case is required to be	391
transferred for criminal prosecution under division (A) of section	392
2152.12 of the Revised Code.	393
(S) "Mental illness" has the same meaning as in section	394
5122.01 of the Revised Code.	395
(T) "Mentally retarded person" has the same meaning as in	396
section 5123.01 of the Revised Code.	397
(U) "Monitored time" and "repeat violent offender" have the	398
same meanings as in section 2929.01 of the Revised Code.	399
(V) "Of compulsory school age" has the same meaning as in	400
section 3321.01 of the Revised Code.	401
(W) "Public record" has the same meaning as in section 149.43	402
of the Revised Code.	403
(X) "Serious youthful offender" means a person who is	404
eligible for a mandatory SYO or discretionary SYO but who is not	405
transferred to adult court under a mandatory or discretionary	406
transfer.	407
(Y) "Sexually oriented offense," "juvenile offender	408
registrant," "child-victim oriented offense," "tier I sex	409
offender/child-victim offender," "tier II sex	410
offender/child-victim offender," "tier III sex	411
offender/child-victim offender," and "public registry-qualified	412
juvenile offender registrant" have the same meanings as in section	413
2950.01 of the Revised Code.	414
(Z) "Traditional juvenile" means a case that is not	415

transferred to adult court under a mandatory or discretionary 416  
transfer, that is eligible for a disposition under sections 417  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 418  
that is not eligible for a disposition under section 2152.13 of 419  
the Revised Code. 420

(AA) "Transfer" means the transfer for criminal prosecution 421  
of a case involving the alleged commission by a child of an act 422  
that would be an offense if committed by an adult from the 423  
juvenile court to the appropriate court that has jurisdiction of 424  
the offense. 425

(BB) "Category one offense" means any of the following: 426

(1) A violation of section 2903.01 or 2903.02 of the Revised 427  
Code; 428

(2) A violation of section 2923.02 of the Revised Code 429  
involving an attempt to commit aggravated murder or murder. 430

(CC) "Category two offense" means any of the following: 431

(1) A violation of section 2903.03, 2905.01, 2907.02, 432  
2909.02, 2911.01, or 2911.11 of the Revised Code; 433

(2) A violation of section 2903.04 of the Revised Code that 434  
is a felony of the first degree; 435

(3) A violation of section 2907.12 of the Revised Code as it 436  
existed prior to September 3, 1996. 437

(DD) "Non-economic loss" means nonpecuniary harm suffered by 438  
a victim of a delinquent act or juvenile traffic offense as a 439  
result of or related to the delinquent act or juvenile traffic 440  
offense, including, but not limited to, pain and suffering; loss 441  
of society, consortium, companionship, care, assistance, 442  
attention, protection, advice, guidance, counsel, instruction, 443  
training, or education; mental anguish; and any other intangible 444  
loss. 445

**Section 4.** That the version of section 2152.02 of the Revised Code that is to take effect on January 1, 2008, is hereby repealed.

**Section 5.** Sections 3 and 4 of this act shall take effect on January 1, 2008, or the earliest date permitted by law, whichever is later.

**Section 6.** (A) Section 2151.022 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 23 and Am. Sub. S.B. 53 of the 126th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

(B) Section 2152.02 of the Revised Code is presented in Section 1 of this act as a composite of the section as amended by both Am. Sub. H.B. 23 and Am. Sub. S.B. 53 of the 126th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in Section 1 of this act.

**Section 7.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the general prohibition against the possession of a firearm by a person under twenty-one years of age that is enacted in this act is crucially needed to provide increased protection and security

for the state's residents in response to a rapid growth in the 476  
number of crimes committed by persons under that age that involve 477  
the use of firearms. Therefore, this act shall go into immediate 478  
effect. 479