

## An Act to Close Loopholes in Background Checks on Gun Sales

### **SUMMARY**

The Act would enact Section 2923.26 of the Ohio Revised Code to require that sales and transfers of firearms in the State of Ohio between persons who are not federally licensed firearms dealers be conducted by a federally licensed firearms dealer and that sales or transfers of firearms between persons who are not federally licensed firearms dealers be conditioned on the person receiving the firearm being subjected to a background check by a federally licensed firearms dealer pursuant to federal law. The Act exempts from its provisions the following sales and transfers, as set forth more fully in the Act:

- Firearms given as a gift between family members;
- Temporary transfers to prevent death or physical injury;
- Transfers to and from a licensed gunsmith for the purpose of repair or maintenance;
- Sales and transfers of antique firearms, curios, and relics, as defined under federal law;
- Temporary transfers for the purpose of hunting, firearms safety classes, use at a shooting range, use at a shooting competition, or transfers of less than 24 hours when the transferee is continuously in the presence of the transferor;
- Sales or transfers to federally licensed firearms manufacturers, law enforcement, licensed security guards, active-duty members of the military, and persons who hold an Ohio concealed handgun license;
- Transfers explicitly authorized on behalf of a law enforcement agency;
- Transfers by operation of law upon the death of the owner of a firearm;
- Transfers pursuant to Ohio Revised Code 2923.123(C)(6), which permits certain individuals to enter a courthouse with a firearm so long as the firearm is transferred to the officer in charge of the courthouse.

Among other provisions, the Act also:

- Provides criminal penalties for persons who sell, buy, transfer, or receive a firearm in violation of the Act.
- Permits firearms dealers to charge a reasonable fee for conducting sales or transfers under the Act.
- Provides that no firearms dealer is required to conduct a sale or transfer by the Act.
- Requires firearms dealers to maintain records as required by state or federal law.
- Provides that if any provision of the Act is held to be invalid, the remaining provisions shall remain in effect.
- Provides that in the event that the Act and another law are adopted by the voters at the same election and contain conflicting provisions and the Act received less votes, the non-conflicting provisions of the Act shall take effect.

**COMMITTEE TO REPRESENT THE PETITIONERS**

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

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