

As Reported by the House Government Oversight Committee

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 243

Representative Cutrona

Cosponsors: Representatives Gross, Click, Vitale, Riedel, Jordan

A BILL

To amend section 9.68 of the Revised Code regarding 1
the regulation of knives. 2

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

Section 1. That section 9.68 of the Revised Code be 3
amended to read as follows: 4

Sec. 9.68. (A) The individual right to keep and bear arms, 5
being a fundamental individual right that predates the United 6
States Constitution and Ohio Constitution, and being a 7
constitutionally protected right in every part of Ohio, the 8
general assembly finds the need to provide uniform laws 9
throughout the state regulating the ownership, possession, 10
purchase, other acquisition, transport, storage, carrying, sale, 11
other transfer, manufacture, taxation, keeping, and reporting of 12
loss or theft of firearms, their components, and their 13
ammunition, and knives. The general assembly also finds and 14
declares that it is proper for law-abiding people to protect 15
themselves, their families, and others from intruders and 16
attackers without fear of prosecution or civil action for acting 17
in defense of themselves or others. Except as specifically 18

provided by the United States Constitution, Ohio Constitution, 19
state law, or federal law, a person, without further license, 20
permission, restriction, delay, or process, including by any 21
ordinance, rule, regulation, resolution, practice, or other 22
action or any threat of citation, prosecution, or other legal 23
process, may own, possess, purchase, acquire, transport, store, 24
carry, sell, transfer, manufacture, or keep any firearm, part of 25
a firearm, its components, and its ammunition, and any knife. 26
Any such further license, permission, restriction, delay, or 27
process interferes with the fundamental individual right 28
described in this division and unduly inhibits law-abiding 29
people from protecting themselves, their families, and others 30
from intruders and attackers and from other legitimate uses of 31
constitutionally protected ~~firearms~~arms, including hunting and 32
sporting activities, and the state by this section preempts, 33
supersedes, and declares null and void any such further license, 34
permission, restriction, delay, or process. 35

(B) A person, group, or entity adversely affected by any 36
manner of ordinance, rule, regulation, resolution, practice, or 37
other action enacted or enforced by a political subdivision in 38
conflict with division (A) of this section may bring a civil 39
action against the political subdivision seeking damages from 40
the political subdivision, declaratory relief, injunctive 41
relief, or a combination of those remedies. Any damages awarded 42
shall be awarded against, and paid by, the political 43
subdivision. In addition to any actual damages awarded against 44
the political subdivision and other relief provided with respect 45
to such an action, the court shall award reasonable expenses to 46
any person, group, or entity that brings the action, to be paid 47
by the political subdivision, if either of the following 48
applies: 49

(1) The person, group, or entity prevails in a challenge 50
to the ordinance, rule, regulation, resolution, practice, or 51
action as being in conflict with division (A) of this section. 52

(2) The ordinance, rule, regulation, resolution, practice, 53
or action or the manner of its enforcement is repealed or 54
rescinded after the civil action was filed but prior to a final 55
court determination of the action. 56

(C) As used in this section: 57

(1) The possession, transporting, or carrying of firearms, 58
their components, or their ammunition include, but are not 59
limited to, the possession, transporting, or carrying, openly or 60
concealed on a person's person or concealed ready at hand, of 61
firearms, their components, or their ammunition. 62

(2) "Firearm" has the same meaning as in section 2923.11 63
of the Revised Code. 64

(3) "Reasonable expenses" include, but are not limited to, 65
reasonable attorney's fees, court costs, expert witness fees, 66
and compensation for loss of income. 67

(4) "Knife" means a cutting instrument and includes a 68
sharpened or pointed blade. 69

(5) "Arms" includes firearms and knives. 70

(D) This section does not apply to either of the 71
following: 72

(1) A zoning ordinance that regulates or prohibits the 73
commercial sale of knives, firearms, firearm components, or 74
ammunition for firearms in areas zoned for residential or 75
agricultural uses; 76

(2) A zoning ordinance that specifies the hours of 77
operation or the geographic areas where the commercial sale of 78
knives, firearms, firearm components, or ammunition for firearms 79
may occur, provided that the zoning ordinance is consistent with 80
zoning ordinances for other retail establishments in the same 81
geographic area and does not result in a de facto prohibition of 82
the commercial sale of knives, firearms, firearm components, or 83
ammunition for firearms in areas zoned for commercial, retail, 84
or industrial uses. 85

Section 2. That existing section 9.68 of the Revised Code 86
is hereby repealed. 87