

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

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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 46  
States, its acts are unauthoritative, void, and of no force. 47

(5) The several states of the United States respect the 48  
proper role of the federal government but reject the proposition 49  
that such respect requires unlimited submission. 50

(6) If the federal government, created by a compact among 51  
the states, was the exclusive or final judge of the extent of 52  
the powers granted to it by the states through the Constitution 53  
of the United States, the federal government's discretion, and 54  
not the Constitution of the United States, would necessarily 55  
become the measure of those powers. To the contrary, as in all 56  
other cases of compacts among powers having no common judge, 57  
each party has an equal right to judge for itself as to whether 58  
infractions of the compact have occurred, as well as to 59  
determine the mode and measure of redress. Although the several 60  
states have granted supremacy to laws and treaties made under 61  
the powers granted in the Constitution of the United States, 62  
such supremacy does not extend to various federal statutes, 63  
executive orders, administrative orders, court orders, rules, 64  
regulations, or other actions that collect data or restrict or 65  
prohibit the manufacture, ownership, and use of firearms, 66  
firearm accessories, or ammunition exclusively within the 67  
borders of Ohio; such statutes, executive orders, administrative 68  
orders, court orders, rules, regulations, and other actions 69  
exceed the powers granted to the federal government except to 70  
the extent they are necessary and proper for governing and 71  
regulating the United States armed forces or for organizing, 72  
arming, and disciplining militia forces actively employed in the 73  
service of the United States armed forces. 74

(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