

# Ohio House passes bill cracking down on repeat gun crime offenders

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COLUMBUS, Ohio—The Ohio House on Wednesday passed legislation that would impose stiffer prison sentences on those who repeatedly commit violent gun crimes or illegally have guns, marking what one supporter called the largest escalation of state criminal penalties in a generation.

However, [House Bill 5](#) – which now heads to the Ohio Senate for consideration – also seeks to create a more automated process for Ohioans convicted of misdemeanors or lower-level felonies to seal or expunge their criminal records.

HB5 passed the House 71-24, with House Republicans joining about a quarter of House Democrats in favor of the bill. It now moves to the Ohio Senate.

The bill is moving through a state legislature that has increasingly loosed state gun laws. Ohio GOP lawmakers have moved in recent years to lift training requirements for military service members and veterans to [obtain a concealed-firearm permit](#), [remove the state's ban on conceal-carry on college campuses](#) and several other locations, and [no longer require a permit to carry a concealed handgun in the state](#).

HB5, if passed, would create new mandatory prison terms for various firearm specifications tacked onto sentences, including:

- 5 years for improper discharge of a firearm while committing an offense
- 10 years for a firearm specification relating to displaying or brandishing an automatic firearm or a firearm with a muffler or suppressor. That would rise to a mandatory 15-year sentence for repeat offenders.

The bill would also increase the mandatory prison sentence for a firearm specification related to improper discharge of a firearm from a motor vehicle from 5 years to 7 years. It would bump up the mandatory prison time for people who display or brandish a firearm and were previously convicted of a firearm specification, from 4.5 years now to 5 years.

Not every part of HB5 would raise penalties. It would lower the penalty for Ohioans convicted of illegally having guns if they're a fugitive from justice, indicted/convicted of felony drug crime, a drug or alcohol addict, or found by a court to be mentally incompetent. Right now, such people found possessing firearms can be convicted of a third-degree felony, punishable by up to 36 months behind bars and a \$10,000 fine. HB5 would lower that to a fourth-degree felony, which can bring up to 18 months behind bars and a \$5,000 fine.

However, if someone is found to have committed a violent felony with a gun, they would not only face a third-degree felony, but a conviction would bring a presumption of a prison term. Repeat offenders would be charged with a second-degree felony, which could mean up to 8 years in prison and a \$15,000 fine.

Separately, HB5 would direct Ohio courts to notify eligible people convicted of a misdemeanor or a fourth- or fifth-degree felony six years after their discharge that they can have their conviction sealed for a \$50 fee, including an application form.

Those who send in the application form would receive a hearing, where a judge would decide -- after considering any objections raised by victims or prosecutors, who would be notified beforehand about the hearing -- whether to seal the record from public view.

In making the decision, HB5 states the judge would have to decide whether the applicant's interest in having the record sealed is "substantially outweighed by any legitimate governmental needs to maintain those records."

A similar process would be set up under HB5 for expunging -- or completely destroying -- conviction records.

It's [the latest attempt](#) by Ohio lawmakers to make it easier to seal and expunge nonviolent criminal convictions. Proponents argue that it helps to address widespread problems with former inmates getting housing, being offered a job, or securing a loan because of their criminal record.

State Rep. Josh Williams, a Toledo-area Republican who cosponsored the bill, said the bill -- if passed -- would be the largest increase in criminal penalties that Ohio lawmakers have passed since 1996.

However, Williams described the increased penalties in HB5 as a "surgical scalpel" that only targets repeat felons who continuously get caught with firearms.

“(HB5) is going to drive down the rate of violent crime in our community,” Williams said. “It’s going to put repeat violent offenders behind bars for longer periods of time, resulting in safer communities.”

State Rep. Dani Isaacsohn, a Cincinnati Democrat, said that while there are “positive elements of this bill,” setting up mandatory minimum prison sentences “can devastate communities without doing good,” takes away judges’ discretion in sentencing, and assumes – without knowing for sure – that those who receive such sentences are beyond rehabilitation.

To effectively reduce gun crime, Isaacsohn argued, legislators need to pass stricter gun-control law, such as requiring background checks for firearm purchases at gun shows, and better regulating online gun sales.

HB5 stemmed from [a gun-reform plan that Gov. Mike DeWine laid out in 2019](#), after a gunman shot and killed nine people in a popular nightlife district in Dayton.

DeWine’s plan initially included measures such as near-universal background checks and allowing judges to order the seizure of guns from people deemed a threat to themselves or others. But such proposals were strongly opposed by the GOP-dominated state legislature.

The only part of DeWine’s plan to survive was his proposal to crack down on a small group of repeat violent offenders who illegally have guns.

However, attempts to pass such legislation were stymied over the next few years amid opposition over various proposals. Among the loudest critics were gun-rights groups, who opposed increasing punishments for people (illegally) found to have a gun.

“The bill is doing all sorts of things,” Isaacsohn said Wednesday. “It’s over here to try and get this person’s support and that group’s support, and to win this political headline or have this gotcha moment.”