

EMERGENCY

City of Cincinnati

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An Ordinance No. 427

- 2023

MODIFYING Chapter 708, “Dangerous Weapons and Fireworks,” of the Cincinnati Municipal Code by **ORDAINING** new Section 708-30, “Fee Associated with Return of Firearm,” to recoup the expenses incurred by the City in processing the requests of firearm owners for the return of firearms, including verification of firearm ownership, right to own a firearm, and confirmation that the weapon is not associated with outstanding crimes.

WHEREAS, more Ohioans died from firearms in 2021 than almost any year on record, according to Ohio Department of Health data; and

WHEREAS, gun violence has plagued our nation and our city, robbing us of our most valuable assets, our people; and

WHEREAS, on February 2, 2022, Council passed Resolution No. 11-2022, expressing Council’s “commitment to reducing the prevalence of gun violence in our City and protecting citizens from gun violence” and Council’s belief that gun violence is a public health crisis in the City; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) released mortality data in 2022 that showed 45,222 firearm-related deaths occurred in the United States, which is a new high in deaths related to guns; and

WHEREAS, according to the Eunice Kennedy Shriver National Institute of Child Health and Human Development of the National Institutes of Health (NIH), in 2020, “firearm-related injuries surpassed motor vehicle crashes to become the leading cause of death among people ages 1 to 19 years in the United States”; and

WHEREAS, the Cincinnati Police Department (“CPD”) takes possession of guns in the course of arrests and criminal investigations, and CPD receives requests from individuals claiming ownership of and the lawful right to possess such guns, asking that the guns be returned to them; and

WHEREAS, R.C. 2923.13 and CMC 915-5 limit who may legally own or possess firearms, and CPD must confirm that the person requesting the return of the firearm is the legal owner of the firearm and is legally permitted to have the gun before returning the firearm; and

WHEREAS, CPD therefore must verify whether an individual requesting return of a gun in CPD’s possession owns the gun and whether that person is legally allowed to possess the gun; and

WHEREAS, CPD incurs costs in processing such requests to ensure that such guns are returned only to their rightful and legally authorized owners; and

WHEREAS, as of the passage of this ordinance, CPD calculates the costs of processing such requests as approximately \$200; and

WHEREAS, it is appropriate that such costs should be borne by gun owners seeking return of their weapons, unless such weapons were stolen from the owners; and

WHEREAS, the safety of City residents is of paramount importance and requires Council to act to ensure that any guns that come into CPD's possession are returned only to their rightful, legally authorized owners; and

WHEREAS, the Cincinnati Police Department encounters gun violence and works through targeted programs to combat gun violence in our community; and

WHEREAS, the Cincinnati Police Department Crime Analysis and Problem Solving Unit uses data to understand the root of the gun violence epidemic in our community and to generate effective solutions to a systemic problem; and

WHEREAS, the Cincinnati Police Department Crime Gun Intelligence Center uses extensive knowledge, data, and expertise to solve the complex challenges and cases regarding gun violence in the region; and

WHEREAS, the City of Cincinnati Department of Law works meticulously with the City's data and the extremely limiting firearm laws set by the Ohio State Legislature to craft legislation to help save the lives of Cincinnatians; and

WHEREAS, Council appropriates significant resources funded by taxpayers to combat gun violence - and particularly youth gun violence - to save the lives of Cincinnatians; and

WHEREAS, the City Manager's office works closely with community advocates and non-profit partners to reduce gun violence in our neighborhoods; and

WHEREAS, these efforts make an impact in reducing gun violence and saving lives in Cincinnati, but more is needed from the Ohio State Legislature to help save the lives of citizens and ensure a brighter future for our youth; and

WHEREAS, the attachments show examples of how the Ohio State Legislature can save lives and promote happy, healthy, lively futures for our youth; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 708-30, "Fees for Return of Certain Firearms to Owners," of the Cincinnati Municipal Code is enacted as follows:

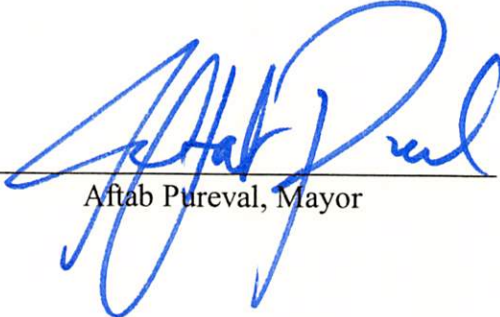
Section 708-30. -- Fee for Return of Certain Firearms to Owners.

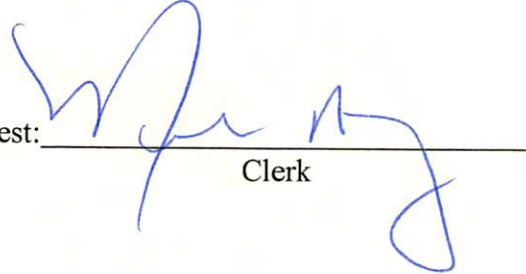
- (a) An owner of a firearm may request the return of the owner's firearm from the police department when the police department is in possession of the firearm and the firearm is not held as evidence or otherwise required by the police department for official use. The owner shall pay a fee of \$200 at the time the owner requests the return of the firearm to the owner to cover the city's costs associated with the testing of the firearm, verification of ownership, any necessary background check of the owner or person designated by the owner to possess the firearm on behalf of the owner, and processing the request for the return of the firearm. The fee is nonrefundable and shall be paid regardless of whether the firearm is returned.
- (b) This section does not apply when:
 - (1) The person requesting the return of the firearm is the verified owner of the firearm who is permitted to acquire, have, carry, or use any firearm pursuant to federal, state, and Cincinnati law; and the firearm was stolen from the verified owner; and the owner reported the firearm as stolen to the appropriate local authorities as required by Ohio law or the Cincinnati Municipal Code; or
 - (2) State law or a court order specifically requires the police department to return the firearm to the verified owner without the owner paying a fee.
- (c) Procedures for Return of Firearms.
 - (1) The chief of police shall establish an appropriate procedure for the destruction or use for appropriate law enforcement purposes of any unclaimed firearm provided that appropriate notice requirements have been met. This procedure shall include an appropriate procedure for tracking confiscated firearms that are used for law enforcement purposes.
 - (2) The chief of police shall determine and annually adjust the structure and amount of fees charged pursuant to this section, provided the aggregate annual revenue from such fees is based on recovering the projected costs of processing the request for the return of the firearm, including the cost of testing of the firearm, verifying firearm ownership, any necessary background check of the owner or person designated by the owner to possess the firearm on behalf of the owner, processing the request for the return of the firearm, and all other direct services and related administrative, educational, technological, and incidental services.

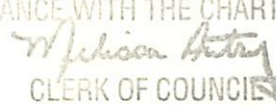
Section 2. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to take action to mitigate the impacts of gun violence on the health and safety of the residents of and visitors to the City.

Passed: December 13, 2023


Aftab Pureval, Mayor

Attest: 
Clerk

I HEREBY CERTIFY THAT ORDINANCE NO 427-23
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 12-21-23

CLERK OF COUNCIL