

EMERGENCY

City of Cincinnati

CNS

JTSW

An Ordinance No. _____ - 2023

MODIFYING Chapter 915, “Weapons Offenses,” of the Cincinnati Municipal Code by **ORDAINING** new Sections 915-1-F1, “Forthwith,” 915-1-K, “Knowingly,” and 915-7, “Mandatory Reporting of Loss or Theft of Firearm or Dangerous Ordnance,” to require reporting of firearm losses or thefts to law enforcement authorities to improve community and neighborhood safety, and **MODIFYING** Chapter 1501, “Code Compliance and Hearings,” by **AMENDING** Section 1501-9, “Class D Civil Offenses,” to add a violation of Section 915-7 to Section 1501-9.

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 continually plagued our city and has robbed us of our most valuable assets, our people; and

WHEREAS, the United States Department of Justice 2016 Survey of Prison Inmates found that more than half of inmates who reported possessing a gun during their offense reported using a stolen or illegally obtained gun in their crime; and

WHEREAS, in a February 2021 interview with Local 12, Ohio Attorney General Dave Yost stated, “Stolen guns are used in crimes on the street. They make our cops and our neighbors and our communities less safe. Everything we can do to push information out, empower the people to help control and reduce the flow of stolen weapons onto the street is a good step.”; and

WHEREAS, in February 2021, Attorney General Yost launched the “Ohio Stolen Guns Database” to allow persons to quickly check whether a gun has been reported stolen in Ohio’s Law Enforcement Automated Data System (LEADS); 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, both state and federal law require reporting of the loss or theft of firearms from a person’s possession; and

WHEREAS, the safety of City residents is of paramount importance and requires Council to act to curb access to lost and stolen firearms; 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 Sections 915-1-F1, "Forthwith," 915-1-K, "Knowingly," and 915-7, "Mandatory Reporting of Loss or Theft of Firearm or Dangerous Ordnance," of Chapter 915, "Weapons Offenses," of the Cincinnati Municipal Code is enacted as follows:

Sec. 915-1-F1. – Forthwith

"Forthwith" means immediately, promptly, or without delay.

Sec. 915-1-K. – Knowingly

"Knowingly" shall have the same meaning as in Ohio Revised Code Section 2901.22.

Sec. 915-7. Mandatory Reporting of Loss or Theft of Firearm or Dangerous Ordnance.

- (a) *Conduct Prohibited.* No person shall knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.
- (b) *Reporting Requirements.* A report to law enforcement authorities of the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control shall include both the serial number of the firearm or dangerous ordnance and the date of acquisition of the firearm or dangerous ordnance. A person who fails to include both the serial number of the firearm or dangerous ordnance and the date of acquisition of the firearm or dangerous ordnance on the report may be subject to a civil fine, as detailed in subsection 915-7(e).
- (c) *Severability.* If any section, subsection, sentence, clause, phrase, or portion of the provisions of this section is for any reason declared by any court of competent jurisdiction to be invalid or unconstitutional, such section, subsection, sentence, clause, phrase, or portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions of this section.
- (d) *Event Causing Section 915-7 to Become Inoperative.* In the event the Ohio General Assembly codifies changes to the Revised Code which prohibit local legislation of firearm loss or theft reporting requirements, Section 915-7 immediately shall become inoperative.
- (e) *Violations and Penalties.*
 - (1) Violation of subsection 915-7(a) of this section is a misdemeanor of the fourth degree.
 - (2) Violations may also be cited as a Class D civil offense pursuant to Section 1501-9.

Section 2. That Section 1501-9, "Class D Civil Offenses," of Chapter 1501, "Code Compliance and Hearings," is amended as follows:

Sec. 1501-9. Class D Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class D Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense

is liable for the civil fine for the subsequent offense provided below, which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class D Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 720-13	Private Facilities	Class E
(2)	§ 720-45	Notice of Violations	Class E
(3)	§ 720-69	Notice to Correct Drainage	Class E
(4)	Chapter 855	Rooming Houses	Class D
(5)	Chapter 895	Outdoor Advertising Signs	Class D
(6)	Chapter 1101	Administration, Cincinnati Building Code	Class E
(7)	Chapter 1106	General and Specialty Contractors	Class E
(8)	Chapter 1107	Elevator and Conveyer Equipment	Class E
(9)	Chapter 1117	Housing Code	Class E
(10)	Chapter 1119	Building Hazard Abatement Code	Class E
(11)	Chapter 1127	General Inspection Programs Code	Class E
(12)	Title XIV	Zoning Code	Class E
(13)	§ 1201-21	Maintenance	Class D
(14)	§ 1201-33	Evacuation	Class D
(15)	§ 1201-35	Spills and Leaks	Class D
(16)	Chapter 1235	Detectors, Early Fire Warning Systems	Class D
(17)	§ 1123-11(a)	Vacant Foreclosed Property Registration - Failure to register a vacant, foreclosed property.	Class E
(18)	§ 874-07(a)	Failure to Register Residential Rental Property	Class D
(19)	Chapter 1109	Flood Damage Reduction	Class E

(b) Class D Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 718-25	Secret Street Uses	Class E
(2)	§ 721-59	Taking Material from Streets	Class E
(3)	§ 729-71(c)(2)	Personal Property Left Abandoned on Streets and Sidewalks - 4 or more items	Class D

(4)	§ 761-14	Eviction or Retaliation by Landlord	Class E
(5)	Chapter 891	Home Improvement	Class E
(6)	§ 1201-47	Failure to Comply with Orders	Class D
(7)	§ 1219-21	Causing Fire Through Negligence	Class D
(8)	Chapter 1251	Fire Starting Apparatus	Class D
(9)	§ 759-4	Use of a Motor Vehicle to Facilitate a Drug Related Crime	Class D
(10)	Chapter 722	Management and Control of the Use of the City Right-of-Way	Class E
(11)	Chapter 730	Commercial Waste Franchises	
(12)	§ 856-25(c)	Violation of Limitations on Operators or Operation of Short Term Rentals	Class D
(13)	§ 1125-17(1)	Failure to Register a Vacant Building	Class E
(14)	§ 1601-57	Enforcement of Emergency Orders	Class D
(15)	§ 1601-59	Enforcement of Health Orders	Class D
(16)	§ 723-79	Failure to Obtain Streetcar Power-Down or Shutdown Work Permit	Class D
(17)	Chapter 811	e-Scooter Rental Franchises	Class D
(18)	§ 915-7	<u>Mandatory Reporting of Loss or Theft of Firearm or Dangerous Ordinance</u>	<u>Class D</u>

Section 3. 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: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are indicated by strikethrough; additions are indicated by underline.