

An Addendum on the Importance of Amending and Passing SB 214

- **1934: National Firearms Act**

Congress enacted the National Firearms Act (NFA) in response to organized crime and gang violence during Prohibition, particularly incidents involving Chicago gangsters. The original proposal sought to restrict handguns, but those provisions were removed before passage. The final law imposed a \$200 making and transfer tax on suppressors, short-barreled rifles, short-barreled shotguns, and other regulated firearms. At the time, \$200 represented an enormous financial burden intended to discourage lawful ownership.

- **1934–2026: Federal Registration Requirements**

For decades, gun owners were generally required to obtain ATF approval through Form 1 to manufacture these firearms or Form 4 to receive them through transfers. These requirements involved federal registration and, until 2026, generally required payment of the \$200 tax.

- **1972–1974: Ohio's Dangerous-Ordinance Laws**

In 1972, Ohio enacted a comprehensive criminal-code overhaul through House Bill 511, signed into law under Democratic Governor John J. Gilligan and effective January 1, 1974. These laws established restrictions on dangerous ordinance, including firearms classified as "sawed-off firearms" under Ohio Revised Code § 2923.11. Ohio's current law also relies on federal NFA registration as one of the principal exemptions allowing lawful possession of these firearms.

This effectively created a second layer of criminal jeopardy for Ohio gun owners. In addition to federal restrictions, Ohio imposed its own criminal penalties on possession of the same firearms, establishing overlapping state and federal restrictions against the same conduct. Under ORC § 2923.17, possessing dangerous ordinance without a qualifying exemption or license constitutes a fifth-degree felony. Consequently, even when the federal government declines prosecution for possessing an unregistered suppressor or short-barreled firearm, Ohio's independent restrictions can still expose that individual to felony prosecution.

- **July 4, 2025: One Big Beautiful Bill Act**

President Donald Trump signed the One Big Beautiful Bill Act into law, reducing the longstanding \$200 NFA making and transfer taxes to \$0 for suppressors, short-barreled rifles, short-barreled shotguns, and certain other firearms, effective January 1, 2026.

While this eliminated the financial burden imposed by the original tax, the legislation did not independently repeal the NFA's registration and approval requirements.

- **August 5, 2026: GOA's Federal Court Victory**

GOA, Gun Owners Foundation, and fellow plaintiffs secured a major victory in *Silencer Shop Foundation v. ATF* in the Northern District of Texas. The court ruled that, because Congress had eliminated the making and transfer taxes for these firearms, the associated registration requirements could no longer be justified under Congress's constitutional taxing authority. The

court permanently enjoined enforcement of the challenged requirements against the plaintiffs and covered members and customers.

- **October 9, 2026: ATF Announces Nationwide Guidance**

Following the Department of Justice's decision not to appeal, ATF published official guidance announcing that it would no longer enforce NFA registration and approval requirements for suppressors, short-barreled rifles, short-barreled shotguns, and certain other firearms. Importantly, ATF explicitly committed to applying this policy nationwide, including to individuals who were not protected by the original court injunction.

Although the court's decision only directly protected the plaintiffs and other covered parties, the Trump administration independently exercised its enforcement discretion to extend this policy to all Americans, ensuring consistent federal enforcement across the country. Crucially, ATF also clarified that this federal enforcement policy does not supersede existing state restrictions, leaving Ohio gun owners potentially exposed to felony prosecution under the state's dangerous-ordnance laws.

- **Why Ohio Must Act Now**

At the federal level, we have witnessed a Republican-controlled Congress eliminate the longstanding NFA tax, a federal court strike down associated registration requirements, and the Trump administration voluntarily extend non-enforcement of those requirements nationwide. These developments reflect a significant shift toward reducing unnecessary government interference with firearm ownership and advancing the principles underlying the Second Amendment.

Yet, Ohio continues to classify suppressors and short-barreled firearms as dangerous ordnance, subjecting otherwise law-abiding citizens to potential felony level prosecution. For a state governed by Republican majorities, maintaining these restrictions is increasingly difficult to reconcile with the conservative principles of limited government, individual liberty, and the right to keep and bear arms.

States like California and New York have maintained particularly restrictive laws targeting suppressors and short-barreled firearms, even as the federal government has moved toward deregulation. Ohio's laws are not identical to those states' outright prohibitions, but they preserve the same fundamental concept of imposing independent state criminal restrictions on these items.

Ohio stands at a crossroads: it can either follow through at the state level, ensuring that its laws reflect the same commitment to constitutional rights, or continue down the path of anti-Second Amendment states that disregard the Constitution and undermine the freedoms of law-abiding Americans.