



October 23, 2026

Senate President Rob McColley
Senate Building
1 Capitol Square, 2nd Floor
Columbus, Ohio 43215

Speaker Matt Huffman
77th S. High Street, 14th Floor
Columbus, Ohio 43215

Dear Mr. President and Mr. Speaker:

In recent weeks, my office has received inquiries regarding Ohio's regulation of firearms in light of a recent announcement by the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").

ATF's announcement has created uncertainty among Ohio firearm owners, law enforcement and the business community regarding Ohio's own laws restricting the possession of short-barreled rifles, short-barreled shotguns and firearm suppressors. I have also been made aware of reports of individuals physically modifying firearms, potentially in violation of state law.

I am concerned that this uncertainty may result in otherwise law-abiding Ohioans inadvertently engaging in what would be criminal conduct under current Ohio law.

I am sending this overview of the issue for two reasons:

1. To make certain you are aware of the unforeseen risk Ohio outdoorsmen and firearm enthusiasts now face; and
2. To identify specific sections of Ohio law that must be amended to address that newly created risk.

I hope it is useful in your deliberations.

ATF's Open Letter

In an "Open Letter" released Oct. 9, 2026, ATF made the following announcement:

[E]ffective October 9, 2026, ATF will no longer require individuals to seek ATF approval under the NFA before making or transferring short-barreled rifles, short-barreled shotguns, silencers, and "any other weapon[s]" as defined in 26 U.S.C. § 5845(e). ATF will also no longer require such items to be registered in the National Firearms Registration and Transfer Record. These policies apply uniformly to anyone otherwise subject to these requirements, not just to the plaintiffs [engaged in] litigation.

[T]he district court's injunction and the enforcement policy announced by this Open Letter **do not affect state or local laws that govern NFA weapons**. Most states have general criminal prohibitions on the possession of some or all NFA items. These laws often have exceptions for those NFA items possessed in compliance with or registered under federal law. Individuals, including dealers, should consult their local law enforcement authorities or seek legal advice for guidance on whether unregistered NFA items are lawful in their jurisdictions. (Emphasis added.)

ATF will continue to administer the NFA on a voluntary basis.¹

The intersection between Ohio law and the National Firearms Act.

Three statutes establish whether and in what circumstances it is legal to possess, use or own a short-barreled rifle, short-barreled shotgun or firearm suppressor in Ohio:

- Revised Code §2923.17: criminalizes the unlawful possession of “dangerous ordnance”; and
- Revised Code §2923.11: defines “dangerous ordnance” under Ohio law; and
- Revised Code §1533.04: relates specifically to the possession of a firearm muffler or suppressor.

Two of these statutes require registration of the firearm or suppressor either “in the national firearms registration and transfer record” or “in accordance with the ‘National Firearms Act.’” ATF’s announcement that it will not enforce provisions of the National Firearms Act requiring short-barreled rifles, short-barreled shotguns and firearm suppressors to be registered does not strip those requirements from Ohio law.

Ohio’s prohibitions on short-barreled rifles, short-barreled shotguns and firearm suppressors.

Ohio law begins with the presumption that it is unlawful for a person to knowingly acquire, have, carry or use any dangerous ordnance. See, RC §2923.17.

Ohio law defines “dangerous ordnance” to include:

¹ See: <https://www.atf.gov/media/30961/download>

- Most any shotgun with a barrel less than 18 inches long or rifle with a barrel less than 16 inches long, as well as any shotgun or rifle less than 26 inches long overall, referred to collectively in Revised Code §2923.11(K)(1) as sawed-off firearms;² and
- Firearm suppressors.³

Exceptions to Ohio's broad prohibition against the possession of dangerous ordnance.

Ohio law provides limited exceptions that allow an individual to lawfully possess and use certain items that would otherwise be considered "dangerous ordnance." The exceptions I wish to focus on are found in RC §2923.17(C)(5) and (C)(8).

RC §2923.17(C)(5) provides an exception for "[o]wners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder."

Under current Ohio law, a short-barreled rifle or short-barreled shotgun must be registered in the national firearms registration and transfer record to meet the exception found in RC §2923.17(C)(5). Whether the federal government can or would sanction an individual or any other person for failing to register the firearm in the national firearms registration and transfer record is irrelevant. The only question is whether the firearm is registered in the record. If it is not, the exception found in RC §2923.17(C)(5) would not apply and possession of the short-barreled rifle or short-barreled shotgun remains a crime.

RC §2923.17(C)(8) provides an exception for "[p]ersons who own a dangerous ordnance that is a firearm muffler or suppressor attached to a gun that is authorized to be used for hunting by section 1533.16 of the Revised Code and who are authorized to use such a dangerous ordnance by section 1533.04 of the Revised Code."

The RC §2923.17(C)(8) exception is conditioned upon the suppressor being used in compliance with RC §1533.04. RC §1533.04(A) specifically requires the suppressor at issue to have been registered "*in accordance with the 'National Firearms Act,'*" 68A Stat. 725 (1934), 26 U.S.C.

² "Sawed-off firearm" does not include any firearm with an overall length of at least 26 inches that is approved for sale by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). RC 2923.11(F). RC 2023.11(K)(1)

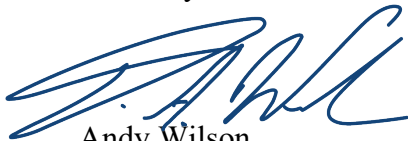
³ RC 2923.11(K)(5).

5841, et seq., as amended. (Italics added.) So long as the National Firearms Act provides for the registration of firearm suppressors, failure to do so remains a crime under Ohio law.

Under current Ohio law, Ohioans wishing to own or use a short-barreled rifle, short-barreled shotgun or firearm suppressor must register those items with the federal government or face the risk of criminal prosecution. If that reflects the policy of this legislature, so be it. If, on the other hand, the legislature sees these registration requirements as archaic remnants of an overly restrictive past, it is time to eliminate them from Ohio law.

Whichever route you choose, it is my hope that you will provide clarity on these issues during the waning days of this General Assembly. Ohio's citizens deserve it.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Wilson', with a stylized flourish at the end.

Andy Wilson
Ohio Attorney General