Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL: **Am. H.B. 275** DATE: **May 14, 1997**

STATUS: **As Reported by House Criminal Justice** SPONSOR: **Rep. Haines**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**

CONTENTS: **Eliminates the offense of mishandling a firearm in a motor vehicle under certain circumstances**

State Fiscal Highlights

STATE FUND	FY 1997	FY 1998	FUTURE YEARS
General Revenue Fund			
Revenues	-0-	Potential minimal loss	Potential minimal loss
Expenditures	-0-	Potential minimal decrease	Potential minimal decrease
Crime Victims Reparation Fund			
Revenues	-0-	Potential minimal loss	Potential minimal loss
Expenditures	- 0 -	- 0 -	- 0 -

- As a result of eliminating a small number of cases, the bill could produce a potential decrease in both state revenues and expenditures.
- Both the General Revenue Fund (GRF) and the Crime Victims Reparation Fund (CVRF) could experience a potential minimal loss related to decreased collection of state court costs. Additionally, the GRF could experience a potential minimal decrease in expenditures related to indigent defense.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1997	FY 1998	FUTURE YEARS
Counties			
Revenues	- 0 -	Potential minimal loss	Potential minimal loss
Expenditures	- 0 -	Potential minimal decrease	Potential minimal decrease
Municipalities			
Revenues	-0-	Potential minimal loss	Potential minimal loss
Expenditures	-0-	Potential minimal decrease	Potential minimal decrease

- As a result of eliminating a small number of cases, the bill could produce a potential loss in revenues to both counties and municipalities related to decreased collection of local court costs and fines.

- Additionally, counties and municipalities could also experience a potential minimal decrease in expenditures related to adjudication. Furthermore, counties could experiences an additional savings related to reduced demand for prosecution, indigent defense, and incarceration.

Detailed Fiscal Analysis

Provisions of the Bill

The bill would exempt from the prohibition against discharging or transporting a firearm in a motor vehicle any person who is operating or is the passenger in a motor vehicle on real property owned by the operator, passenger, or family member of either and who has the right or privilege to be on the real property. Specifically, the bill would apply to persons transporting or discharging a firearm from a motor vehicle as long as they do not discharge it under any of the following conditions: 1) while under the influence of alcohol, a drug of abuse, or both; 2) in the direction of a street, highway, or other public or private property used by the public for vehicular traffic or parking; 3) at or into an occupied structure that is a permanent or temporary habitation; and 4) in the commission of any violation of law. Under existing law, a violation of discharging or transporting a loaded firearm in a motor vehicle is an M-1 (for the first offense), while a violation of transporting a firearm that is loaded and not carried either in a closed case, an outside compartment, or in plain sight is an M-4. This exemption would apply only to real property located in an unincorporated area of a township that is either zoned or used for agriculture.

Effects of the Bill

According to the Bureau of Criminal Justice Statistics in its Sourcebook of Criminal Justice Statistics, 1995 on average approximately 214,000 offenses involving possession of a weapon take place annually nationwide. Of this number approximately 10,500 (4.9 percent) take place in rural counties. If this percentage were to be applied to rural counties in Ohio, the number of offenses involving possession of a weapon would be approximately 320. However, since the weapons involved in offenses estimated for rural counties includes all weapons and the bill addresses only firearms possessed on real property in an unincorporated area, the number of offenses actually addressed by the bill should be small. For example, an examination of the Franklin County Municipal Court Annual Report reveals that for the year 1996, it processed 74 cases of "improperly handling a firearm". Taking into consideration that Franklin is an urban county and thus the type in which 95.1 percent of all weapons possession charges take place on a national basis, this would equate to approximately four cases annually in a typical rural county. As is the case above however, after accounting for the provisions of the bill that apply only to real property in unincorporated areas, this number should be reduced even further. As a result it is probably safe to assume that in the end the bill will affect a very small number of cases statewide.

Since the bill is expected to affect only a small number of cases, it could result in a potential minimal decrease in both state revenues and expenditures. Specifically, the state could experience a potential minimal loss in revenues to both the GRF and the CVRF in the form of state court costs. State court costs in misdemeanor cases are $20, with the proceeds split between the GRF and the CVRF on the basis of $11 and $9 respectively. However, any loss that might occur in terms of revenue should in part be offset by decreased state expenditures related

to indigent defense. On average indigent defense is necessary in approximately 37 percent of misdemeanor cases and cost $175, of which the state would pay 47 percent.

The bill is also expected to result in a potential minimal decrease in revenues and expenditures to both counties and municipalities. Specifically, as a result of the elimination of certain cases both counties and municipalities could experience a potential minimal loss in revenues related to the collection of local courts.* Additionally, counties could experience an additional minimal loss in terms of fine revenue.** However, any potential loss that might occur in terms of revenue should in part be offset by a potential minimal decrease in expenditures related to adjudication costs to counties and those municipalities operating municipal courts. In addition to this, counties could experience a further savings related to decreased demand for prosecution, indigent defense, and incarceration. However as discussed above, since the number of cases affected is expected to be small any fiscal impact should be minimal.

* local court costs vary and are retained entirely by the jurisdiction operating the court
** fine revenues vary according to offense and are paid entirely to the county

❑ *LBO staff: Jeff Newman, Graduate Researcher*

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