



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Am. S.B. 247 of the 128th G.A. **Date:** May 27, 2010
Status: As Reported by Senate Judiciary Criminal Justice **Sponsor:** Sen. Wilson

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Conforms restoration of civil firearm rights with federal law

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- County courts of common pleas may incur minimal annual costs related to the possibility that some number of additional individuals could file petitions that would either: (1) restore their civil firearms rights or (2) require the courts to clarify that petitioners who have successfully restored their civil firearms rights at the state level are in conformity with federal law.

Detailed Fiscal Analysis

The bill makes state law consistent with federal law in certain matters related to civil firearms rights. It will not increase the eligibility for restoration of civil firearms rights, so there is no new group of individuals, with criminal histories, that would be able to seek such restoration. A more likely result is that a few individuals would be permitted to request a local court clarify that their restoration of civil firearms rights fully conforms to federal law. It is unlikely there would be many such actions, which means the potential annual costs for a court to adjudicate such matters would not likely exceed minimal.

Under current law, Ohio has a process for the restoration of civil firearms rights that does not apply to the restoration of rights to firearms that are dangerous ordnances. Federal case law has held that, unless state court restoration of firearms was a complete restoration of firearm rights (for all firearms including firearms that are dangerous ordnances), the person is still under a federal firearm disability. The bill affirms that the restoration is for all civil firearms rights and repeals the restriction for firearms that are dangerous ordnances.

The bill also opens up the process of restoring civil firearms rights to individuals under a firearms disability for reasons other than an indictment, conviction, or adjudication as specified under current law. This could potentially increase the number of petitions for restoration of civil firearms rights heard by courts of common pleas. The precise magnitude of any such increase is uncertain, but is not expected to create more than a minimal annual increase in a court's costs to adjudicate such matters.

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