Ohio Legislative Service Commission

Joseph Rogers

Fiscal Note & Local Impact Statement

Bill: H.B. 54 of the 129th G.A. **Date**: June 15, 2011

Status: As Reported by Senate Judiciary Criminal Justice **Sponsor**: Reps. Maag and Martin

Local Impact Statement Procedure Required: No

Contents: Conforms the restoration of civil firearm rights with federal law and modifies the prohibition against "having weapons while under disability"

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The bill will have, at most, a minimal net annual fiscal effect on courts of common pleas and county prosecutors. It creates conditions that have the potential to both expand and narrow the number of persons to whom the existing disability prohibition applies and may then seek relief from that prohibition. The associated workload may rise or drop a bit, with a slight effect on annual operating costs and revenue collections.

Detailed Fiscal Analysis

Restoration of civil firearms rights

The bill's modification of the state's existing disability relief mechanism, largely for the purpose of conforming to federal law, may minimally increase annual county revenues and expenditures. These annual fiscal effects would be a direct result of an expansion in the categories of persons who may apply to the court of common pleas in which they reside for relief from the prohibition against their acquiring, having, carrying, or using any firearm or dangerous ordnance.

Under current law, unchanged by the bill, the county prosecutor is required to investigate such matters and the court of common pleas is required to conduct a hearing on whether to grant relief. The costs of the proceedings and any related filing fees would be charged to the applicant.

Presumably, the bill's modification will increase the number of persons filing applications for relief, and generate additional work for the county prosecutor and the court of common pleas to dispose of these matters. The potential additional cost for either the prosecutor or the court is likely to be minimal at most annually, with some, if not all of that cost, offset by the court cost and filing fees that would be charged to the applicant.

Prohibition against having weapons while under disability

The bill's elimination of the prohibition against persons with certain misdemeanor drug offense convictions from acquiring, having, carrying, or using any firearm or dangerous ordnance will have, at most, a minimal annual fiscal effect on courts of common pleas and county prosecutors. The result will be a slight reduction in workload, as the number of applications filed for relief from the prohibition that require an investigation by the county prosecutor and a hearing before the court of common pleas may decrease in certain jurisdictions. The likely annual savings will be minimal. There would also be a commensurate loss in court fees and costs that might otherwise have been taxed to the applicant for the costs of the proceedings.

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