Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 17 of the 129th G.A. **Date**: April 21, 2011

Status: As Passed by the Senate **Sponsor**: Sen. Schaffer

Local Impact Statement Procedure Required: No

Contents: Concealed carry in a liquor permit premises and in a motor vehicle, and expungement of prior convictions for improperly handling firearms in a motor vehicle that are no longer a crime under the bill

State Fiscal Highlights

STATE FUND	FY 2012 – FUTURE YEARS
General Revenue Fund (GRF)	
Revenues	Minimal annual gain in expungement fees
Expenditures	Potential minimal annual decrease in incarceration costs
Funds of the Attorney General	
Revenues	- 0 -
Expenditures	Potential minimal onetime increase to develop and distribute media advisory on expungements
Indigent Defense Support Fund (Fund 5DY0)	
Revenues	Potential negligible annual loss in locally collected court costs
Expenditures	- 0 -
Victims of Crime/Reparations Fund (Fund 4020)	
Revenues	Potential negligible annual loss in locally collected court costs
Expenditures	- 0-

Note: The state fiscal year is July 1 through June 30. For example, FY 2012 is July 1, 2011 – June 30, 2012.

- **Expungement filing fees.** The expungement process authorized by the bill may generate a minimal annual amount of related filing fee revenues that would be credited to the GRF.
- **Attorney General.** The potential one-time cost to develop and distribute the required expungement media advisory will be minimal at most.
- **Incarceration expenditures.** There may be a minimal annual decrease in the Department of Rehabilitation and Correction's GRF-funded incarceration costs, as there may be a slight reduction in the number of felony offenders being sentenced to prison for a concealed carry-related violation.

- **Court cost revenues.** The state may lose a negligible annual amount of locally collected court cost revenue that is deposited in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2011 – FUTURE YEARS
Counties (criminal justice systems)	
Revenues	Minimal net annual effect
Expenditures	Minimal net annual effect

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **Criminal justice system expenditures.** The bill may eliminate a small number of concealed carry-related prohibition violations for county criminal justice systems to process. The bill will also require the courts to conduct hearings to adjudicate applications for the expungement of criminal records for offenses that are no longer a crime under the bill. The net of these two potential expenditure effects – a decrease in criminal case processing costs and an increase to conduct expungement hearings – will be minimal.
- **Court cost and fine revenues.** County criminal justice systems may also realize a minimal annual loss in court cost and fine revenue collections, as a result of potentially fewer convictions of certain concealed carry-related prohibitions that are eliminated by the bill. Any such revenue losses may be offset, to some degree, by the filing fee collected in any expungement actions filed as a result of the bill. The net effect of the potential loss of court cost and fine revenues and the potential gain in expungement filing fees will be minimal.

Detailed Fiscal Analysis

Overview

The bill amends the state's Concealed Carry Law to broaden the scope of where and how a properly licensed individual can lawfully carry a concealed handgun in a liquor permit premises and in a motor vehicle. The practical effect of these changes to current law is that there may be fewer violations of certain restrictions that, under current law, may lead to suspension and/or revocation of the concealed carry license by the county sheriff that issued the license. Given the fact that the overall rate of suspensions and revocations for all violations of the Concealed Carry Law is very small, between 1% and 2% statewide, it seems reasonable to conclude that the reduction in the number of statewide violations potentially resulting from the bill would also be very small.

In addition to any reduction of concealed carry license suspensions, the bill also eliminates two felony of the fifth degree penalties related to the improper handling of firearms in a motor vehicle. Given the comparatively small number of Concealed Carry Law violations and suspensions, it seems reasonable to conclude that any reduction in felony prosecutions resulting from the elimination of two prohibitions, that carried felony penalties, would also be quite small.

The bill also authorizes the expungement of a prior conviction of improperly handling firearms in a motor vehicle that no longer would be a crime under the bill.

State expenditures

Department of Rehabilitation and Correction. The elimination of two fifth degree felony penalties related to the improper handling of firearms in a motor vehicle may result in slightly fewer offenders being sent to prison. In theory, the fiscal effect of such an outcome would be at most a minimal annual decrease in the Department of Rehabilitation and Correction's GRF-funded incarceration costs.

Attorney General. The bill requires the Attorney General to develop a public media advisory that summarizes the expungement procedure. Within 30 days of the effective date of the bill, the Attorney General is required to provide a printable or electronic copy of this advisory to each newspaper published in the state and each television station that broadcasts in the state. The potential one-time cost to develop and distribute this advisory will be minimal at most.

Local criminal justice system expenditures

As noted, the bill may eliminate a relatively small number of concealed carry-related felony violations statewide that county criminal justice systems would otherwise have had to process. Any such small reductions in criminal cases stemming from the bill carries the potential to decrease costs for counties related to investigating, prosecuting, adjudicating, and sanctioning the violator, as well as paying for defense

counsel if the offender is determined to be indigent. Any resulting decrease in an affected county criminal justice system's expenditures may be offset, to some extent, by the bill's requirement that the sentencing court conduct a hearing to adjudicate each expungement application. The net of these two potential expenditure effects – a decrease in criminal case processing costs and an increase to conduct expungement hearings – will be minimal.

State and local revenues

If there is a slight reduction in the number of individuals convicted statewide of a felony concealed carry violation, then the state may lose a negligible amount of locally collected state court costs that might otherwise have been collected and forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The court is generally required to impose state court costs totaling $60 for a felony. The $60 felony amount is divided as follows: $30 to Fund 5DYO and $30 to Fund 4020. County criminal justice systems may also realize a minimal annual decrease in court cost and fine revenue collections, as a result of potentially fewer convictions of certain concealed carry-related prohibitions that are eliminated by the bill.

The bill requires that a $50 filing fee accompany every application for expungement filed with the court of record, unless the petitioner is indigent. The court is required to forward $30 of the fee to the state and will be deposited to the credit of the GRF. The remaining $20 will be paid into the county general fund. The amount collected for either the state or any given county annually will be no more than minimal.

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