



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. H.B. 203 of the 130th G.A.](#) **Date:** November 20, 2013  
**Status:** As Reported by House Policy and Legislative Oversight **Sponsor:** Rep. Johnson

**Local Impact Statement Procedure Required:** No

**Contents:** Firearms and changes to the concealed handgun license law

### State Fiscal Highlights

- The bill may result in some reduction in convictions over time for offenses related to self-defense, disorderly conduct, and inducing panic, which may yield some marginal decline in the population of the state prison system. Any corresponding reduction in the Department of Rehabilitation and Correction's GRF-funded incarceration costs would not likely exceed minimal annually.
- Any related annual reduction in state court cost revenues credited to the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0) will be negligible.

### Local Fiscal Highlights

- The bill's broadening of the permissible uses of the Sheriff's Concealed Handgun License Issuance Expense Fund may increase expenditures in certain counties.
- The most likely effect of the bill's criminal penalty provisions may be to reduce the number of persons who might otherwise have been prosecuted and convicted in a criminal case involving a claim of self-defense, which could create a minimal annual savings in county and municipal criminal justice system case processing costs and a related minimal annual loss in court costs and fine revenues that might otherwise have been collected.

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## Detailed Fiscal Analysis

### **Concealed handgun law**

The bill makes numerous changes involving the application process and eligibility of individuals to receive concealed handgun licenses and renewals. These provisions modify the process for establishing reciprocity agreements with other states, and make changes to the eligibility requirements regarding citizenship status, training, and criminal background checks. The bill also modifies the process for applying for a concealed handgun license or renewal.

### **Fiscal effects**

#### **County sheriffs**

These provisions will generally broaden and expand eligibility requirements, which will make it easier to get a concealed handgun license, and may, in certain cases, lead to an increase in the number of individuals seeking concealed handgun permits. This would likely generate some increase in the fee revenue collected and credited to the Sheriff's Concealed Handgun License Issuance Expense Fund. The implementation of most of these concealed handgun law provisions would have no ongoing fiscal impact on county sheriffs, although some may involve minimal one-time start-up expenditures.

The bill requires county sheriffs, as part of the background check process, to also contact the National Instant Criminal Background Check System (NICS). This system is currently used to determine if an individual is eligible for the retail purchase of a firearm, but is not part of the background check process for a concealed handgun license. This form of background check is conducted by telephone, and would present no additional cost to county sheriffs.

#### **Sheriff's Concealed Handgun License Issuance Expense Fund**

Under current law, the county sheriff, with the approval of the board of county commissioners, may spend any county portion of the fees deposited into the Sheriff's Concealed Handgun License Issuance Expense Fund to cover costs incurred by the sheriff in connection with performing any functions related to the issuance of concealed handgun licenses. The bill explicitly permits money in the fund to be used for costs of firearms training, education, or qualification programs. As a result, expenditures from the fund may increase to some degree in certain counties.

### **Criminal penalties**

#### **Duty to retreat**

The bill expands the circumstances under which a person has no duty to retreat before using force in self-defense, defense of another, or defense of the person's residence. Under the bill, such a person need not retreat if the person is in a place that

the person lawfully has a right to be. Current law specifies that such a person need not retreat if the person lawfully is in the person's residence, the person's vehicle, or the vehicle of an immediate family member.

### **Disorderly conduct and inducing panic**

The bill specifies that the exercise of a constitutional or statutory right does not, in itself, constitute the crime of either disorderly conduct or inducing panic, and does not constitute reasonable suspicion of criminal activity. Under continuing law, disorderly conduct consists of recklessly causing inconvenience, annoyance, or alarm to another by engaging in certain violent or offensive behavior, and is generally either a minor misdemeanor or a fourth degree misdemeanor. Continuing law defines inducing panic as causing the evacuation of a public place, or otherwise causing serious public inconvenience or alarm, by spreading a false report or warning of a disaster or recklessly engaging in certain other behavior. This offense is typically a misdemeanor of the first degree or a felony of the fourth degree. Some cases may be charged at the level of a second or third degree felony depending on the extent of economic harm involved.

### **Fiscal effects**

#### **Incarceration costs**

By expanding the circumstances in which there is no duty to retreat before using force in self-defense, the bill may reduce the number of persons that would have, or could have, been convicted under current law on charges stemming from the use of force when such persons claimed the use of force was necessary and justified under the laws of self-defense, yet the specific circumstances lent themselves to prosecution and conviction. To the extent that such a reduction in convictions occurs, there would likely be a small corresponding reduction in the number of persons sentenced to prison. Any corresponding reduction in the Department of Rehabilitation and Correction's GRF-funded incarceration costs would not likely exceed minimal (a decrease in incarceration costs estimated at less than \$100,000 per year).

The bill may also reduce the number of persons that might have been convicted of disorderly conduct or inducing panic. Only inducing panic carries a potential prison term, and according to intake records from the Department of Rehabilitation and Correction less than ten offenders per year are incarcerated for inducing panic. This would suggest that any reduction in this number as a result of the bill would be very small, and the corresponding annual savings would be minimal.

#### **Court cost revenues**

As a result of the bill's criminal related provisions, and the potential reduction in certain criminal convictions, there would also be some corresponding reduction in state court cost revenues, which are collected locally and forwarded for deposit in the state treasury to the credit of the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0). If, as expected, the annual number of cases in which persons are not charged or convicted of a crime is relatively small, then

any loss of state revenue will likely be negligible (an estimated revenue loss of less than \$1,000 for either state fund per year).

#### **Local criminal justice systems generally**

A potential effect of reducing the number of certain criminal convictions may create some level of savings in local criminal case processing costs and a related loss in court costs and fine revenues that might otherwise have been collected. The magnitude of these potential changes in local revenues and expenditures appear unlikely to exceed minimal (an estimated dollar amount of no more than \$5,000 per year for any affected county or municipal criminal justice system).

#### **Armed Attorney General investigators**

The bill authorizes the Attorney General's investigators to be armed in the same manner as county sheriffs and police officers while they conduct certain investigations concerning civil or criminal offenses related to the Medicaid Program, nursing homes, and residential care facilities, and instances of abuse or neglect in care facilities. This provision would not create any additional costs for the Attorney General because it codifies current practice. These investigators are already authorized to be armed by the authority of the Attorney General. The bill creates specific statutory authorization.