Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 231 of the 130th G.A. **Date**: August 21, 2013

Status: As Introduced **Sponsor**: Rep. Maag

Local Impact Statement Procedure Required: No

Contents: Eliminates certain concealed carry restrictions

State and Local Fiscal Highlights

- As a result of a potentially small reduction in concealed carry arrests and convictions statewide, there may be minimal annual decreases in: (1) county and municipal criminal case processing and sanctioning costs, and (2) state incarceration costs. There may also be: (1) a minimal annual loss of fine and court cost revenues retained by counties and municipalities, and (2) a negligible annual loss of court cost revenues forwarded for deposit in the state treasury.

Detailed Fiscal Analysis

Overview

The bill amends the state's Concealed Carry Law to:

- Extend to handguns affirmative defenses to a charge of carrying a concealed weapon or having a firearm in a motor vehicle.
- Broaden the scope of where and how a properly licensed individual can lawfully carry a concealed handgun to include certain additional places.[1]
- Provide institutions of higher learning with immunity from liability in a civil action for any injury, death, or other property loss caused by or related to a licensee bringing a handgun onto the premises of the institution.

Fiscal effects

The practical effect of the bill's changes is that there could be fewer violations of certain restrictions that, under current law, may lead to criminal prosecutions, and the suspension and/or revocation of a 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 potential reduction in the number of violations statewide, and subsequent number of persons prosecuted and sanctioned for such violations would also be very small.[2]

Expenditures

There may occur, at most, a minimal annual savings for the state and certain local governments. More specifically, county and municipal criminal justice systems may realize some expenditure savings as a result of having slightly fewer persons to prosecute and sanction for certain concealed carry violations. The state may also realize some savings in GRF-funded incarceration costs, as a result of a reduction in offenders sentenced to prison for a felony concealed carry violation.

The bill also provides institutions of higher learning with immunity from civil liability under the circumstances noted above. This immunity provision will potentially eliminate future civil lawsuits, although the likely number would be extremely small. Such an outcome presumably creates some savings effect relative to: (1) litigation and settlement costs such an institution might otherwise have incurred, and (2) case processing costs for a court of common pleas having jurisdiction over such matters.

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[1] These additional places include churches, daycare centers, specified government facilities, certain commercial aircraft, and colleges and universities that have promulgated written authorization permitting the concealed carry of handguns.

[2] Depending upon the circumstances of the violation, the conduct can be classified as either a misdemeanor or a felony.

Revenues

The state and certain local governments may lose insignificant amounts of annual revenue that might otherwise have been collected from certain concealed carry violators pursuant to the order of the sentencing court. The state's potential loss will be a negligible amount in court costs that, if collected, are then 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).[3] Counties and municipalities may lose a minimal amount of fine and court cost revenue that such a violator would have been required to pay.

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[3] For a nonmoving traffic violation, the court is generally required to impose state court costs totaling $29 for a misdemeanor and $60 for a felony. The $29 misdemeanor amount is divided as follows: $20 to the Fund 5DY0 and $9 to Fund 4020. The $60 felony amount is divided as follows: $30 to Fund 5DY0 and $30 to Fund 4020.