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H.B. 325
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the House

Primary Sponsor: Rep. Wiggam

Local Impact Statement Procedure Required: No

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Highlights

- A new cause of action in the courts of common pleas related to the preservation of firearms rights may (1) increase the number of cases filed in the courts of common pleas, leading to additional administrative costs for the court, offset somewhat by filing fees, and (2) result in additional litigation and settlement costs for the state or a political subdivision.
- The extension of valid and existing concealed handgun licenses during an emergency will likely result in at least some short-term loss of renewal fees received by the Attorney General and county sheriffs with a corresponding reduction in workload and related expenses.

Detailed Analysis

The bill (1) generally prohibits any restrictions on the sale of deadly weapons, including firearms, ammunition, and related accessories, or related businesses during a declared emergency, and (2) extends the validity of a concealed handgun license during a declared emergency and for 90 days after the emergency ends.

Preservation of firearms rights during an emergency

Civil action

Under the bill, a person, group, or entity adversely affected by any manner of law or other action enacted or enforced in violation of the bill is permitted to file an action for damages, injunctive relief, declaratory relief, or other appropriate redress in the court of common pleas of the county in which the aggrieved person resides or the group or entity is located, or in which the violation occurred. If a firearm, firearm component, or other deadly weapon is confiscated or seized, a person is permitted to apply to the court of common pleas of the county in which the

item or items were seized or confiscated for the immediate return of the item or items. If a court orders the return of seized or confiscated items and the item or items are not returned in accordance with the order, the aggrieved party may claim reasonable costs and attorney fees for the loss and the cost of reclaiming the item or items, or the cost of any damages to the item or items.

These provisions may (1) increase the number of cases filed in the courts of common pleas, leading to additional administrative costs for the court, offset somewhat by filing fees, and (2) generate litigation and settlement costs for the state or political subdivisions. Because the cause of action relies on the declaration of an emergency, it is likely that violations will be rare, and, assuming the state and political subdivisions generally follow the law, the fiscal impact will be minimal at most.

Extension of concealed handgun license

Under the bill, if (1) a concealed handgun license has been issued to a licensee, (2) the Governor issues an executive order declaring an emergency, and (3) the date that the valid and existing license would or is scheduled to expire falls within the period of emergency,¹ the license is automatically extended throughout the duration of the period of the emergency plus an additional 90 days.

Under current law, the cost of a concealed carry license is \$67 for a new license and \$50 for a renewal. Applicants residing in Ohio for less than five years must also pay for the actual cost of an FBI background check. These additional fees are charged locally and are set by the county sheriff. A license is valid for five years. The county sheriff collects the fees as part of their duties and responsibilities to administer and enforce the state's concealed carry laws. The sheriff retains a portion of the fee for crediting to the Sheriff's Concealed Handgun License Issuance Expense Fund.² The remainder is credited to the state's General Reimbursement Fund (Fund 1060), which the Attorney General uses, in part, to fund the cost of background checks performed by the Bureau of Criminal Investigation (BCI), as well as any checks requested from the FBI.

The extension during an emergency will likely result in at least some short-term loss of revenue received by the Attorney General and county sheriffs with a corresponding reduction in workload and related expenses. Revenue lost during the deferral period would presumably be mostly regained following the end of the emergency period and additional 90-day extension period while workload and related expenses may increase to accommodate any backlog of licenses.

¹ Or the 30 days immediately preceding the date of that declaration.

² The sheriff, with the approval of the board of county commissioners, may expend fees deposited into the sheriff's Concealed Handgun License Issuance Expense Fund for any of the following: (1) costs incurred by the sheriff in connection with performing any administrative functions related to the issuance of concealed handgun licenses, (2) ammunition and firearms to be used by the sheriff and the sheriff's employees, and (3) costs incurred in constructing, maintaining, or renovating a shooting range to be used by the sheriff or the sheriff's employees, including costs incurred for equipment associated with the shooting range.

Political subdivision suppression of a riot or mob

Under current law, the chief administrative officer of a political subdivision with police powers is permitted to prohibit the sale, offering for sale, dispensing, or transportation of firearms or other dangerous weapons, ammunition, dynamite, or other dangerous explosives in, to, or from areas cordoned off for the suppression of a riot or when there is clear and present danger of a riot. The bill removes this permission.

Under continuing law, when engaged in suppressing a riot or when there is a clear and present danger of a riot, the chief administrative officer of a political subdivision with police powers is permitted to (1) cordon off any area or areas threatened by the riot, and (2) generally prohibit a person from entering the cordoned off area. The bill extends these provisions to include the suppression of mobs, as well as riots.

These riot/mob suppression provisions of the bill have no direct fiscal effect on the state or political subdivisions.