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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 51
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 51's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Loychik and Schmidt

Local Impact Statement Procedure Required: No

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Highlights

- The state and political subdivisions generally are expected to comply with the bill's Second Amendment protection provisions, and, as a result, should not incur significant ongoing costs to defend against alleged violations and potentially be subject to a \$50,000 civil penalty per occurrence or employee.
- There may be a minimal annual fiscal effect on the state and local criminal justice systems resulting from the bill's exclusion of braces and stabilizing devices from weapons control laws governing sawed-off firearms and dangerous ordnance.

Detailed Analysis

Second Amendment preservation

The bill: (1) specifies that certain federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations are infringements on the people's right to keep and bear arms, and are invalid, not to be recognized, rejected, and not enforced in Ohio, (2) prohibits a law enforcement officer from having the authority to enforce or attempt to enforce such, and (3) requires the courts and law enforcement of Ohio to protect the people's right to keep and bear arms. The bill declares an emergency and will go into immediate effect.

Infringements

For infringements of the right to keep and bear arms by an individual, including a law enforcement officer, the bill provides civil remedies as follows:

- The state or political subdivision that employs the individual is subject to a \$50,000 civil penalty per occurrence or employee, depending on the circumstances present.

- An injured party has standing to pursue an action for injunctive relief in the court of common pleas of the county in which the action allegedly occurred or in Franklin County Court of Common Pleas with respect to certain actions of an officer employed by the state or a political subdivision, and the court may award the injured party, if prevailing, reasonable attorney's fees and costs.

The number of civil actions that could be filed in the court of common pleas of the county in which the action allegedly occurred or the Franklin County Court of Common Pleas is likely to be relatively small, as it is assumed that the state and political subdivisions generally will comply with the bill's prohibitions and that alleged violations will be infrequent. However, if a case is permitted to proceed, and a judgement is granted against the state or local governmental agency, costs associated with that judgement could be in the thousands of dollars or more for plaintiff attorney fees. Additionally, it is unclear if bargaining unit appeals would be made after the fact by members affected by the civil action, thus creating costs for the affected state or local government employer.

The bill potentially increases the number of civil actions taken against the state and political subdivisions alleging violation of a person's rights. As such local civil justice systems and the Court of Claims, which hears damage claims against the state and its employees, could see an increase in hearing-related costs. The state and political subdivision would then see an increase in litigation expenses as defendants, as well as settlement payments should the plaintiff(s) prevail.

Bracing and stabilizing devices

The bill excludes firearm braces and stabilizing devices from laws governing sawed-off firearms and dangerous ordnance. Thus, there may be some reduction in the number of persons who otherwise might have been charged, prosecuted, and sanctioned for certain weapons control violations, e.g., unlawful possession of a dangerous ordnance, a violation of which is a fifth degree felony. From a fiscal effect perspective, the result is a potential expenditure savings and related revenue loss in the form of fines, and court costs and fees, the net of which will be minimal for the state and local criminal justice systems.