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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 662
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 662's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Rep. A. Miller

Local Impact Statement Procedure Required: No

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Highlights

- The bill may result in fewer charges related to “unlawful transactions in weapons” when involving antique firearms.
- As a result of a potentially small statewide reduction in arrests and convictions for the offense, there may be a negligible annual decrease in: (1) county criminal case processing costs, and (2) state incarceration/supervision costs. There may also be a commensurate but negligible loss in fine, court cost, and fee revenue for counties and the state.

Detailed Analysis

The bill exempts antique firearms from the prohibitions against recklessly selling, lending, giving, or furnishing a firearm to any person who is:

- A fugitive from justice.
- Under indictment, conviction, or adjudication for a felony offense of violence or drug involvement.
- Deemed mentally incompetent through a legal process.
- Under the influence of alcohol or a drug of abuse; has a drug dependency or chronic alcoholism.

Under current law, a violation of the prohibition is a fourth degree felony punishable by up to 18 months in prison (with community control likely being an option) and a fine of up to \$5,000.

Anecdotal evidence suggests that prosecutions related to the offense of “unlawful transactions in weapons” that specifically involve antique firearms are infrequent. This seems partially due to an incongruity between state and federal background check requirements. The

federal definition of “firearm” explicitly excludes antique firearms. As such, sales exclusively consisting of antique firearms cannot use the federal background check service despite requirements under state law. As a result of the bill, there could be fewer state violations of “unlawful transactions in weapons,” although likely a negligible annual number statewide compared to current charging trends.

To the extent that there are fewer criminal cases filed, county criminal justice systems may realize reduced expenditures in terms of investigating, prosecuting, and adjudicating the offender, as well as potential costs for defense counsel if the offender is indigent. Counties and the state may see a negligible reduction in revenues through fines, court costs, and fees commensurate with the reduction in case volumes. The state may further realize some savings in GRF-funded incarceration and supervision costs if fewer individuals are sentenced.