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S.B. 32
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 32's Bill Analysis](#)

Version: As Reported by House Civil Justice

Primary Sponsor: Sen. Schaffer

Local Impact Statement Procedure Required: No

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Highlights

- The bill's civil immunity provisions regarding concealed handgun licensees in specified circumstances may have a minimal annual savings effect on local trial courts. Certain tort actions may not be filed, or if filed, disposed of more quickly than under current law.
- Changing the notification requirements and increasing the monetary threshold by which the clerk of court must notify judgment debtors will slightly reduce administrative expenditures for political subdivisions and potentially increase their revenues by minimal amounts.
- Presumably, public K-12 schools and public preschools will comply with the bill's discrimination provisions, with any alleged violations likely occurring infrequently. To the extent that any are named in additional civil suits and found liable under the bill, these entities may be subject to increased litigation costs and damages.

Detailed Analysis

Civil immunity for concealed handgun licensees in specified circumstances

The Concealed Handgun Law currently grants civil immunity to certain persons or entities (private employers, political subdivisions, institutions of higher education, and nonprofit corporations) for injury, death, or loss related to a handgun licensee bringing a handgun to the person's or entity's premises under specified circumstances. The bill:

- Extends this civil immunity to a for-profit corporation that leases its property to a nonprofit corporation or permits its property to be used by a nonprofit corporation for any purpose;

- Grants generally civil immunity to a person for certain injuries allegedly caused by the person acting in self-defense or defense of another during the commission, or imminent commission, of an offense of violence to protect the members or guests of a nonprofit corporation under certain circumstances; and
- Adds a legal presumption that a person who approaches or enters a nonprofit corporation's premises or event with intent to commit an offense of violence is liable for any injury, death, or loss resulting from related acts of self-defense or defense of another person.

To the degree that the bill's civil immunity provisions have an effect, it would be on the operations of local trial courts (common pleas, municipal, and county courts). The bill may reduce the likelihood that a civil action is filed, or expedite its resolution subsequent to either (1) the finding of the court that the conduct of a person or entity provides immunity from civil liability, or (2) the expedited finding of the court for liability of a person committing or with intent to commit an act of violence. Although not readily quantifiable, any resulting expenditure savings for local trial courts will be minimal annually. It is likely that the bill's provisions will affect few civil cases, as the applicable circumstances are expected to be relatively infrequent.

Foreclosure sales

The bill makes several changes to the property sales arising from court judgments against debtors in default of their mortgage or property taxes. Ohio is a judicial foreclosure state, meaning a court oversees the foreclosure process. The court declares a sheriff's sale, which means that the property will be sold at a public auction. Upon completion of the sale, the sheriff must pay out of the proceeds, which normally includes clerk of court costs (including sheriff fees, appraiser fees, advertising costs, etc.), delinquent taxes, and the remaining balance is paid to the judgment creditor.

Among the multiple changes contained within the bill, the "excess funds" provision has the most prominent fiscal effect. In the event that the amounts paid for the property at auction exceed the court order for restitution, continuing law requires the judgment debtor to be notified. The bill increases the threshold for this notification from an excess balance of \$100 to \$500. Moreover, the bill reduces the administrative requirements imposed on the clerk of court in those instances when the judgment debtor's name or address are unknown. The bill authorizes comparatively less expensive notification options, such as a notice published in a newspaper, posted on the clerk's website, sent via text message to the judgment debtor, or posted in a conspicuous place in the court where the foreclosure action commenced. The bill's changes will slightly reduce administrative expenditures for political subdivisions and potentially increase their revenues by minimal amounts.

Race-based discrimination

The bill prohibits public K-12 schools and public preschools from discriminating against a student based on traits associated with their race, including hair texture and protective hair styles, such as braids, locks, and twists. The bill explicitly allows an individual to sue in any court of competent jurisdiction for allegations of discrimination.

To the extent that school districts or public preschools are named in additional civil suits, they could incur costs related to the adjudication and settlement of a case, which may include

attorney fees incurred by the injured party in addition to any damages awarded. The timing and magnitude of such costs is indeterminate, as are any impacts to existing insurance coverage if the schools have such policies in place. The bill will also create minimal administrative costs for schools to update their dress code and policies for grooming as well as any one-time training for staff and personnel.

Clerks of the courts of common pleas and municipal courts

The bill modifies the law regarding the storage, maintenance, and retrieval of all papers delivered to the clerk of courts. More specifically, the bill requires elected clerks of the common pleas court or municipal court to determine the best means and methods for storing, maintaining, and retrieving all papers delivered to the clerk in compliance with Rule 26 of the Rules of Superintendence for the Courts of Ohio, whether delivered in writing or in electronic form, and implementing the means and methods for storage, maintenance, and retrieval. The bill also clarifies that a clerk of a common pleas court appointed in a charter county performs duties pursuant to the county charter and removes current law provisions granting municipal court clerks other powers and duties as prescribed by the court. The fiscal effect on any clerk's office will depend on the current operations of affected clerks and whether changes would be needed.

Auctioneer licensing

The bill contains a provision that exempts licensed auctioneers who participated in and completed the apprentice auctioneer program prior to September 13, 2022 (when the apprentice license was eliminated) from continuing education requirements that apply to licensed auctioneers. It has no fiscal effect on the Department of Agriculture. Continuing education programming is led by licensed third parties, who are paid by licensees. Even with this change, however, the affected licensees are still required to renew their licenses biennially (\$200 fee).

Community action agencies

The bill's provisions regarding community action agencies (CAAs) have no direct fiscal impact on the state or political subdivisions. Specifically, the bill exempts CAAs from Ohio Open Meeting Law and instead requires CAAs to be incorporated as an Ohio nonprofit with written operating procedures for both virtual meetings and public notice. It appears that many, if not most, CAAs already are incorporated as Ohio nonprofits.