



# Ohio Legislative Service Commission

Joseph Rogers

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 48 of the 131st G.A. **Date:** December 7, 2016  
**Status:** As Reported by Senate Government Oversight & Reform **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, fee, 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.
- The bill's broadening of the permissible uses of the Sheriff's Concealed Handgun License Issuance Expense Fund may increase expenditures in certain counties.

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### Detailed Fiscal Analysis

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

- Broaden the scope of where and how a properly licensed individual can lawfully carry a concealed handgun to include certain additional places.<sup>1</sup>
- 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.
- Allow a sheriff to use concealed handgun license fee revenue to purchase ammunition and firearms.

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<sup>1</sup> These additional places include: day-care facilities, certain government facilities, certain commercial aircraft, institutions of higher education, public areas of airport terminals, and school safety zones.

## **Prohibition modifications**

The practical effect of the bill's prohibition modifications 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.<sup>2</sup>

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 felony concealed carry violations.

The state and certain local governments may lose insignificant amounts of annual revenue that otherwise might 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).<sup>3</sup> Counties and municipalities may lose a minimal amount of fine, fee, and court cost revenue that such a violator would have been required to pay.

## **Immunity for institutions of higher education**

The bill provides institutions of higher learning with immunity from civil liability under certain circumstances. This 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 otherwise might have incurred, and (2) case processing costs for a court of common pleas having jurisdiction over such matters.

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<sup>2</sup> Depending upon the circumstances of the violation, the conduct can be classified as either a misdemeanor or a felony.

<sup>3</sup> 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 Fund 5DY0 and \$9 to Fund 4020. The \$60 felony amount is divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020.

## **Sheriff's Concealed Handgun License Issuance Expense Fund**

Under current law, the county sheriff, with the approval of the board of county commissioners, may spend any county portion of the fees deposited into the Sheriff's Concealed Handgun License Issuance Expense Fund to cover costs incurred by the sheriff in connection with performing any functions related to the issuance of concealed handgun licenses. The bill permits money in the fund to be used for costs of firearms and ammunition to be used by the sheriff and the sheriff's employees. As a result, expenditures from the fund may increase to some degree in certain counties.

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