



# OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 233 of the 132nd G.A.

**Status:** As Passed by the House

**Sponsor:** Rep. Becker

**Local Impact Statement Procedure Required:** No

**Subject:** Carrying a concealed weapon into a prohibited place

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### State & 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, and court cost and fee revenues retained by counties and municipalities, and (2) a negligible annual loss of court cost revenues forwarded for deposit in the state treasury.

### Detailed Fiscal Analysis

#### Concealed handgun violations

Under the bill, if a concealed handgun licensee or qualified military member is discovered carrying a concealed weapon in a place where carrying a concealed weapon is prohibited or restricted, the person is subject to removal from the property, but is not guilty of violating the firearms prohibition.

The bill prohibits law enforcement from seizing a concealed handgun licensee's or qualified military member's firearms, accessories, or ammunition, except for the duration of an investigative stop, presuming the person is not guilty of any other offense.

The bill also creates the offense of "criminal trespass with a deadly weapon," which prohibits a concealed carry licensee or qualified military member from knowingly conveying or attempting to convey a deadly weapon into a prohibited place and doing either of the following: (1) refusing to leave upon request or (2) returning to the same place while knowingly in possession of a concealed weapon within 30 days in violation of the firearms prohibition. A violation of the prohibition is a fourth degree misdemeanor.

The practical effect of the bill generally is that there could be fewer violations of certain concealed handgun 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.

There may occur, at most, a minimal annual expenditure reduction for the state and certain local governments. More specifically, county and municipal criminal justice systems may realize reduced expenditures, 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 slightly fewer offenders being sentenced to prison for felony concealed carry violations

The state and certain local governments may lose relatively small amounts of annual revenue that might otherwise 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>1</sup> Counties and municipalities may lose a minimal amount of locally retained fine, and court cost and fee revenue that such a violator would have been required to pay.

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<sup>1</sup> 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.