



OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

Fiscal Note & Local Impact Statement

Bill: S.B. 208 of the 132nd G.A.

Status: As Introduced

Sponsor: Sen. Terhar

Local Impact Statement Procedure Required: No

Subject: Allows off-duty law enforcement officer or investigator to carry a weapon on certain premises

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

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

- Specify that an establishment serving the public may not bar a law enforcement officer from carrying a weapon on the premises that the officer is authorized to carry, regardless of whether the officer is acting within the scope of the officer's duties while carrying the weapon.
- Modifies the existing exemption for law enforcement officers from "illegal possession of a firearm in a liquor permit premises" to specify that the offense does not apply to any such officer or investigator who is authorized to carry firearms and is not consuming or under the influence of alcohol or a drug of abuse.

The practical effect of the bill's changes is that there could be fewer violations of certain concealed handgun restrictions that, under current law, may lead to criminal prosecutions, and possibly the suspension and/or revocation of a concealed carry license by the county sheriff that issued the license. 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 very probable that of these violations involving concealed carry in a restricted location, very few would involve an off-duty law enforcement officer or investigator as they are more likely to know the law and what is permissible. The bill will likely eliminate cases involving such a person who unwittingly and unintentionally carries a handgun into a place that prohibits concealed carry. 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 therefore be very small.¹

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 the possibility that slightly fewer offenders might be 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).² 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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¹ Depending upon the circumstances of the violation, the conduct can be classified as either a misdemeanor or a felony.

² 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.