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Office

H.B. 425
(1_133_1483-1)
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 425's Bill Analysis](#)

Version: In House Federalism

Primary Sponsor: Rep. Wiggam

Local Impact Statement Procedure Required: No

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Highlights

- The state will lose, at most, a minimal amount of court cost revenue annually that might otherwise have been collected from certain concealed carry violators pursuant to the order of the sentencing court. State court cost revenues are credited to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).
- County and municipal criminal justice systems may realize an annual savings effect, as there will likely be some reduction in the prosecution and sanctioning of individuals for concealed carry violations. There is also likely to be an associated revenue loss in terms of court costs, fees, and fines that might otherwise have been collected.

Detailed Analysis

Under current law, when stopped for a law enforcement purpose, a concealed handgun licensee who is carrying a concealed handgun is required to promptly inform any law enforcement officer who approaches the person that the person has a concealed handgun license and is carrying a concealed handgun. A violation of this requirement is generally a first degree misdemeanor – punishable by not more than 180 days in jail, a fine of up to \$1,000, or both – and the appropriate county sheriff is required to suspend the person's concealed handgun license for one year.

Under the bill, the same person in the same situation is required to display their concealed handgun license or orally inform the officer that the person has such a license, and to disclose that the person is carrying a concealed handgun. Unlike current law in this circumstance, the offender is not subject to a penalty.

From calendar year (CY) 2014 through 2018, an average of 19 charges for failure to notify a law enforcement officer were filed annually with the Franklin County Municipal Court.

This suggests that a corresponding statewide average would likely be fewer than 200 charges annually under current law – a number likely to decline under the bill.

The table below shows the number of violations reported by law enforcement agencies to the Ohio Incident-Based Reporting System (OIBRS) in CY 2019 by county.

Carrying Concealed Weapon Duty to Notify Violations, Calendar Year 2019 (Total: 87*)					
County	# of Violations	County	# of Violations	County	# of Violations
Allen	2	Fairfield	1	Pickaway	1
Butler	2	Franklin	17	Portage	1
Carroll	1	Hamilton	10	Putnam	1
Champaign	1	Hocking	1	Richland	1
Clermont	1	Huron	1	Stark	1
Columbiana	1	Knox	2	Summit	8
Cuyahoga	7	Lake	3	Van Wert	1
Delaware	1	Medina	2	Washington	1
Erie	1	Montgomery	9	Unknown**	9

*These statistics are based upon information voluntarily reported to OIBRS by participating law enforcement agencies as of February 10, 2020, and may not reflect all violations statewide, since not all Ohio law enforcement agencies' data are available through OIBRS.

**Reflects incidents reported by statewide agencies, including eight Ohio State Highway Patrol citations and one Ohio Department of Natural Resources citation. The county in which each violation occurred is unknown.

There will be a savings effect created for county and municipal criminal justice systems because of having fewer persons to arrest, prosecute, and sanction (including license suspension) for concealed carry violations. There will also be a related loss in court costs, fees, and fines that might otherwise have been collected from persons convicted of a concealed carry violation. The net annual fiscal effect of the expenditure savings and related revenue loss for any given local jurisdiction is likely to be minimal.

The state will lose, at most, a minimal amount of court cost revenue annually that might otherwise have been collected from certain concealed carry violators pursuant to the order of the sentencing court. These court cost revenues, 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).¹

¹ The court is generally required to impose state court costs totaling \$29 for a misdemeanor divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020.

Synopsis of Fiscal Effect Changes

Relative to the As Introduced version of the bill, the substitute version (I_133_1483-1) further reduces what were likely to be minimal annual reductions: (1) in county and municipal criminal justice system operating costs and related revenues and (2) in state court cost revenues.