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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 227  
(1\_134\_1160-3)  
134<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 227's Bill Analysis](#)

**Version:** In House Government Oversight

**Primary Sponsors:** Reps. Brinkman and Jordan

**Local Impact Statement Procedure Required:** No

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### Highlights

- There will be a loss in concealed carry license fees credited to the General Reimbursement Fund (Fund 1060) that could average approximately \$3.3 million annually. There will likely be a commensurate expenditure decrease in the related background check work performed by the state's Bureau of Criminal Investigation.
- There will be a decrease in concealed carry license fees retained by a county sheriff for crediting to the Sheriff's Concealed Handgun License Issuance Expense Fund that could average around \$4.9 million annually statewide. There will likely be a commensurate expenditure decrease in the sheriff's administrative and enforcement functions.
- The bill may increase the number of civil actions filed in common pleas, municipal, and county courts for damages stemming from restrictions imposed by local firearms ordinances. The number of new civil actions that may be filed in any given local jurisdiction is unpredictable.

### Detailed Analysis

The bill:

- Modifies the name "concealed handgun license" to "concealed weapons license";
- Allows persons age 21 or older, and not otherwise under any federal restrictions, to carry concealed any deadly weapon, other than a restricted deadly weapon, without obtaining a concealed weapons license; and
- Expands state preemption of firearms regulation to include deadly weapons and firearm accessories and attachments.

## **Concealed carry licenses**

Because of the bill, there will be a reduction, potentially significant, in the number of persons applying for a new, or a renewal of, a concealed carry license, as the enactment of the bill practically means that there is no requirement that a person obtain such a license.

Under current law, the cost of a concealed carry license is as follows: new (\$67/\$91) and renewal (\$50/\$74).<sup>1</sup> A license is valid for five years. The county sheriff collects the fees as part of their duties and responsibilities to administer and enforce the state's concealed carry laws. The sheriff retains a portion of the fee for crediting to the Sheriff's Concealed Handgun License Issuance Expense Fund, which is used solely to pay for related administrative and enforcement costs.<sup>2</sup> The remainder is credited to the General Reimbursement Fund (Fund 1060), which the Attorney General uses, in part, to fund the cost of background checks performed by the Bureau of Criminal Investigation (BCI), as well as any checks requested from the FBI.

Between CYs 2016 and 2020, on average, about 83,185 new and 68,855 renewal licenses were issued each year. Over this same period, the total amount of new and renewal license fees collected annually statewide was at least \$9.0 million, plus additional revenue collected from applicants that have resided in Ohio for less than five years. From this amount, county sheriffs statewide retained on average around \$5.7 million annually. The remainder, approximately \$3.3 million annually, was credited to Fund 1060. How much of this annual revenue stream will be lost as a result of the bill is uncertain. Although not required under the bill, obtaining concealed weapons licenses may still be a preference for some for purposes of reciprocity with other states. It is also likely that any revenue loss will be largely offset by an expenditure reduction, as county sheriffs and BCI will have fewer concealed carry-related tasks to perform.

## **Preemption of local firearms regulations**

Under current law, any local firearm regulation that constrains the right to bear arms is preempted by the state of Ohio. The bill expands this preemption to include deadly weapons and firearm accessories and attachments. Any person or group adversely affected by such a local ordinance may file a civil action in a common pleas, municipal, or county court seeking damages, declaratory relief, and/or injunctive relief against the political subdivision responsible for its enforcement. If a person or group prevails and damages are awarded, the damages will be paid by the political subdivision along with a separate award for reasonable expenses. The frequency of such an occurrence is unpredictable.

## **Synopsis of Fiscal Effect Changes**

The As Introduced version of the bill eliminated requirements in current law that a concealed weapons licensee or qualified military member notify a law enforcement officer or motor carrier enforcement unit person that the person is authorized to carry a concealed

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<sup>1</sup> Applicants residing in Ohio for five years or more pay a fee of \$67 for a new license or \$50 for a renewal license. Applicants residing in Ohio for less than five years pay an additional \$24 for a new or renewal license for the cost of the required FBI background check (R.C. 2923.125).

<sup>2</sup> The sheriff retains \$40 of a new license fee and \$35 of the renewal license fee for crediting to the Sheriff's Concealed Handgun License Issuance Expense Fund.

handgun and is then carrying a handgun when stopped. The substitute bill (I\_134\_1160-3) removes these provisions and restores current law. The fiscal effects of the removed provisions, as described in the immediately preceding version of the fiscal note, are highlighted below.

- A reduction in the number of offenders sent to prison for concealed carry violations would have created a potential savings effect on GRF-funded incarceration costs estimated at up to \$4.6 million per year.
- The state would have lost, 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 have realized an annual savings effect, as there would have likely been some reduction in the prosecution and sanctioning of individuals for concealed carry violations, offset somewhat by additional actions for expungement. There was also likely to have been an associated revenue loss in terms of court costs, fees, and fines that might otherwise have been collected, offset somewhat by increased expungement-related fees.