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H.B. 455
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 455's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Rep. Stoltzfus

Local Impact Statement Procedure Required: No

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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 Analysis

The bill exempts a person with a valid concealed handgun license or a qualified military member from specified offenses related to carrying a weapon into a prohibited place and instead, the person is subject to removal from the premises. The specified offenses are as follows:

- Carrying concealed weapons (generally a first degree misdemeanor);
- Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone (generally a fifth degree felony);
- Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a courthouse (generally a fifth degree felony);
- Criminal trespass on private property if a sign is posted prohibiting persons from carrying firearms or concealed firearms (generally a fourth degree misdemeanor); and
- Aggravated trespass on private property if a sign is posted prohibiting persons from carrying firearms or concealed firearms (generally a first degree misdemeanor).

The bill creates the offense of “criminal trespass with a deadly weapon” to address the circumstance of failure to comply with removal. The offense prohibits a concealed carry licensee or qualified military member from knowingly conveying or attempting to convey a deadly weapon into a prohibited place or posted premises and doing either of the following:

- Refusing to leave upon request;
- Returning within 30 days to the same place while knowingly in possession of a deadly weapon without privilege to do so.

The penalty for a violation of the offense is a fourth degree misdemeanor punishable by not more than 30 days in jail, a fine of up to \$250, or both.

Unless there is a violation of this new offense, a law enforcement officer is prohibited from seizing a concealed handgun licensee’s or qualified military member’s firearms, accessories, or ammunition, upon discovering a person conveying or attempting to convey a deadly weapon into a place where the weapon is prohibited.

Reduction of Concealed Carry Law violations

As result of the bill’s new offense, some number of felony cases (violations of specified offenses) will instead become misdemeanor cases (violations of criminal trespass with a deadly weapon) when a person who would have been charged with a felony offense under current law is instead removed from the premises, but refuses to leave or returns within 30 days. As mentioned, if the person leaves the premises as required by the bill, there is no violation.

A notable effect of the bill’s removal provisions is fewer violations of certain concealed handgun restrictions that, under current law, may lead to criminal prosecution, and 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 each year is less than 1% of the 700,000 or so active licenses statewide. Thus, 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 relatively small.

There may occur, at most, a minimal annual expenditure reduction for the state and 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, because of the possibility that slightly fewer offenders may be sentenced to prison for what would have been a felony concealed carry violation under current law.

The state and 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).¹

¹ 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.

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.