



# OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 253 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Reps. Householder and Lanese

**Local Impact Statement Procedure Required:** No

**Subject:** Exemptions from firearms prohibitions for off-duty officers

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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 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:

- Remove certain current law restrictions and permit off-duty law enforcement officers to carry firearms in places where officers are currently authorized to carry only while on duty.
- Allow peace officers, whether on or off duty, to carry a concealed handgun in places where concealed handgun licensees are not permitted to carry.
- Prohibit an off-duty officer from possessing weapons in a courthouse when criminal proceedings are occurring that involve a victim who is a family or household member of the officer if the judge has issued an order to that effect.

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 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 off-duty law enforcement officers as they are more likely to know the law and what is permissible. The bill will likely eliminate cases involving an off-duty officer 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.<sup>1</sup>

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).<sup>2</sup> Counties and municipalities may lose a minimal amount of locally retained fine and court cost revenue that such a violator would have been required to pay.

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<sup>1</sup> Depending upon the circumstances of the violation, the conduct can be classified as either a misdemeanor or a felony.

<sup>2</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.