



OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

Fiscal Note & Local Impact Statement

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

Status: As Passed by the Senate

Sponsor: Sen. Terhar

Local Impact Statement Procedure Required: No

Subject: Carrying weapon on certain premises by law enforcement officer or Bureau of Criminal Identification and Investigation investigator

State & Local Fiscal Highlights

- The bill is unlikely to produce any discernible ongoing fiscal effects on either the state or any of its political subdivisions, in particular county and municipal criminal and civil justice systems.

Detailed Fiscal Analysis

The bill: (1) generally allows a law enforcement officer or Bureau of Criminal Identification and Investigation (BCII) investigator who is carrying validating information, whether on or off duty, to carry a weapon on certain premises open to the public, and (2) provides a qualified immunity from civil liability for owners, operators, and employers of such premises for any related injury, death, or loss.

Carrying weapon on premises

As a result of the bill's carrying a weapon on premises provision, there may be a slight decrease in 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 small, between 1% and 2% statewide. It seems very probable that of these violations involving concealed carry in a restricted location, few involve a law enforcement officer or BCII investigator, as they are more likely to know what is prohibited and permitted while carrying a weapon on or off duty. 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 relatively few in number.¹ Presumably, county and municipal criminal justice systems realize an occasional expenditure savings as a result of having slightly fewer persons to prosecute and sanction for certain concealed carry violations.

The state, counties, and municipalities may occasionally lose 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 would be in the form of court costs that, if collected, are then credited to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).² Counties and municipalities would lose locally retained fine and court cost and fee revenue that such a violator would have been required to pay.

Qualified immunity

The bill's qualified immunity provision may have one or both of the following effects on the common pleas, municipal, and county courts that have subject matter jurisdiction over civil cases: (1) prevent actions from being filed against owners, operators, and employers of certain premises for injury, death, or loss to person or property, or (2) expedite their resolution subsequent to the finding of the court that such persons in the circumstances at hand are protected from being sued for damages.

There are likely to be few civil cases affected by this immunity provision annually statewide. This is because injury, death, or loss is expected to be a relatively infrequent outcome from a law enforcement officer or BCII investigator carrying a weapon on certain premises open to the public. This suggests that there will be no discernible ongoing effect on the daily operations and related operating expenses of the courts.

Municipal and county courts have limited civil jurisdiction, and may only hear cases in which the amount of money in dispute does not exceed \$15,000. Common pleas courts hear all cases in which the amount of money in dispute is more than \$15,000.

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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.