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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 178  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 178's Bill Analysis](#)

**Version:** As Re-referred to House Criminal Justice

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

**Local Impact Statement Procedure Required:** No

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### Highlights

- A reduction in the number of offenders sent to prison for concealed carry violations will create a potential savings effect on GRF-funded incarceration costs estimated at up to \$4.6 million per year.
- There will be a loss in concealed carry license fees deposited in the General Reimbursement Fund (Fund 1060) that could average approximately \$2.8 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.
- 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.
- There will be a decrease in concealed carry license fees retained by a county sheriff for deposit in 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 indeterminate.

## **Detailed Analysis**

The bill: (1) modifies the name “concealed handgun license” to “concealed weapons license,” (2) 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, (3) eliminates requirements that a concealed weapons licensee or qualified military member must carry a concealed weapons license in order to carry a concealed deadly weapon and must notify a law enforcement officer or employee of the motor carrier enforcement unit that the person is carrying a concealed weapon when stopped, and (4) expands state preemption of firearms regulation to include deadly weapons and firearm accessories and attachments.

Because of the bill, there will be fewer concealed carry violations that, under current law, may lead to arrest, prosecution, and sanctioning, including a possible prison term. Depending upon the circumstances of the violation, the conduct can be classified as either a misdemeanor or a felony. It is also likely that there may be a significant reduction in new and renewed concealed carry licenses issued, as individuals will no longer be required to obtain a concealed carry license.

### **Concealed carry violations**

#### **Department of Rehabilitation and Correction**

The state may realize some savings in GRF-funded incarceration costs, because of a reduction in offenders sentenced to prison for felony concealed carry violations. According to commitment data from the Department of Rehabilitation and Correction (DRC), over the six-year period between calendar years (CYs) 2013 and 2018, on average, about 165 persons were incarcerated for carrying a concealed weapon annually. The Department’s most recent time-served data (for CY 2016) also indicates that these offenders served, on average, approximately one year. The annual cost savings of not incarcerating those offenders is estimated at up to \$4.6 million (165 x \$27,835 FY 2018 annual inmate cost). As DRC’s prison system houses close to 49,000 offenders and operates at around 130% of its total designed bed capacity, any savings will likely be reallocated to finance ongoing institutional programming, security, and maintenance needs.

#### **County and municipal criminal justice systems**

There will be a savings effect created for county and municipal criminal justice systems because of having fewer persons to arrest, prosecute, and sanction 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 amount of the expenditure savings and related revenue loss for any given local jurisdiction is indeterminate, but it is probably safe to say that the expenditure savings will be considerably larger than the revenue loss.

#### **State court cost revenue**

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).<sup>1</sup>

### **Concealed carry licenses**

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>2</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 deposit in the Sheriff's Concealed Handgun License Issuance Expense Fund, which is used solely to pay for related administrative and enforcement costs. The remainder is deposited in the state treasury to the credit of 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 2012 and 2018, on average, about 77,753 new and 49,760 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 \$7.7 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 \$4.9 million annually. The remainder, approximately \$2.8 million annually, was deposited in 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 certain individuals 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 bring forth 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 the person or group prevails in the civil action and is

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<sup>1</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.

<sup>2</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).

awarded damages, the damages must be paid by the political subdivision along with a separate award for reasonable expenses. The frequency of such an occurrence is indeterminate.