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Office

H.B. 425
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 425's Bill Analysis](#)

Version: As Reported by Senate Government Oversight & Reform

Primary Sponsor: Rep. Wiggam

Local Impact Statement Procedure Required: No

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Highlights

- The state will lose, at most, a minimal amount of court cost revenue annually that otherwise might 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 otherwise might have been collected.
- The bill may relieve school districts and other public schools that choose to authorize certain personnel to be armed in a school safety zone from basic peace officer training costs.

Detailed Analysis

Notification of concealed handgun license

Under current law, when stopped for a law enforcement purpose, a concealed handgun licensee who is carrying a concealed handgun is required to promptly inform any law enforcement officer who approaches the person that the person has a concealed handgun license and is carrying a concealed handgun. A violation of this requirement is generally a first degree misdemeanor – punishable by not more than 180 days in jail, a fine of up to \$1,000, or both – and the appropriate county sheriff is required to suspend the person's concealed handgun license for one year.

Under the bill, the same person in the same situation is required to display their concealed handgun license or orally inform the officer that the person has such a license, and to disclose that the person is carrying a concealed handgun. Unlike current law in this circumstance, the offender is not subject to a penalty.

From calendar years (CYs) 2014 through 2018, an average of 19 charges for failure to notify a law enforcement officer were filed annually with the Franklin County Municipal Court. This suggests that a corresponding statewide average would likely be fewer than 200 charges annually under current law – a number likely to decline under the bill.

The table below shows the number of violations reported by law enforcement agencies to the Ohio Incident-Based Reporting System (OIBRS) in CY 2019 by county.

Carrying Concealed Weapon Duty to Notify Violations, Calendar Year 2019 (Total: 87*)					
County	# of Violations	County	# of Violations	County	# of Violations
Allen	2	Fairfield	1	Pickaway	1
Butler	2	Franklin	17	Portage	1
Carroll	1	Hamilton	10	Putnam	1
Champaign	1	Hocking	1	Richland	1
Clermont	1	Huron	1	Stark	1
Columbiana	1	Knox	2	Summit	8
Cuyahoga	7	Lake	3	Van Wert	1
Delaware	1	Medina	2	Washington	1
Erie	1	Montgomery	9	Unknown**	9

*These statistics are based upon information voluntarily reported to OIBRS by participating law enforcement agencies as of February 10, 2020, and may not reflect all violations statewide, since not all Ohio law enforcement agencies' data are available through OIBRS.

**Reflects incidents reported by statewide agencies, including eight Ohio State Highway Patrol citations and one Ohio Department of Natural Resources citation. The county in which each violation occurred is unknown.

There will be a savings effect created for county and municipal criminal justice systems because of having fewer persons to arrest, prosecute, and sanction (including license suspension) for concealed carry violations. There will also be a related loss in court costs, fees, and fines that otherwise might have been collected from persons convicted of a concealed carry violation. The net annual fiscal effect of the expenditure savings and related revenue loss for any given local jurisdiction is likely to be minimal.

The state will lose, at most, a minimal amount of court cost revenue annually that otherwise might 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).¹

Carrying firearms in a school safety zone

Current law generally prohibits persons from carrying firearms in a school safety zone. This prohibition does not apply to a person employed as a security officer or any other person with written authorization from a board of education or governing body of a school to go armed within a school safety zone. Current law also requires school employees serving in a law enforcement or security role in which the person goes armed while on duty to complete an approved basic peace officer training program unless the person has completed 20 years of active duty as a peace officer.

In late March 2020, the Ohio 12th District Court of Appeals ruled the training requirement also applies to individuals other than a security officer who are authorized to go armed. The decision applies to schools under the court's jurisdiction, which covers the following eight counties in southwest Ohio: Brown, Butler, Clermont, Clinton, Fayette, Madison, Preble, and Warren. The school district involved in the case, Madison Local School District, appealed the 12th District Court of Appeals' decision to the Ohio Supreme Court, which on August 26, 2020, granted a stay of the ruling until it issues a final decision.

In response to the 12th District Court of Appeals' decision, the bill exempts individuals authorized to go armed from basic peace officer training requirements so long as the authorized individual is not hired in the capacity of a special police officer or security officer. As a result, school districts or other public schools that choose to authorize arming such personnel may not incur costs associated with paying for basic peace officer training for the designated employees, assuming the districts or schools would have paid for this training. Basic peace officer training program costs vary by provider, with the total curriculum consisting of a minimum of 737 training hours.² Various tuition listings show amounts in the range of \$5,000 or more.³ Under the bill, the degree of training will be left to the discretion of the district or school.

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¹ The court is generally required to impose state court costs totaling \$29 for a misdemeanor divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020.

² Ohio Attorney General's Office. "How to Become a Peace Officer in Ohio." Available online at <https://www.ohioattorneygeneral.gov/How-to-Become-a-Peace-Officer-in-Ohio>.

³ Not all peace officer training academies are available to nonlaw enforcement personnel (such as teachers or administrators that could be authorized to go armed). Some require recruits to be appointed by a law enforcement agency while others are open to anyone who meets the qualifications. Some of these latter options are provided by schools of various types, but may only be available through enrollment in an associate degree program, as in the case of Columbus State Community College.