Fiscal Note & Local Impact Statement

Bill: H.B. 142 of the 132nd G.A. **Status:** As Introduced

Sponsor: Rep. Wiggam **Local Impact Statement Procedure Required:** No

Subject: Elimination of certain concealed handgun notification requirements

State & Local Fiscal Highlights

- The bill will have a minimal net annual fiscal effect on the state and its political subdivisions resulting from what is likely to be a relatively small statewide reduction in the number of persons charged with and subsequently sanctioned for a violation of certain concealed handgun notification requirements.

Detailed Fiscal Analysis

The bill eliminates the requirement that a concealed handgun licensee or qualified military member notify a law enforcement officer or employee of the motor carrier enforcement unit that the person is carrying a concealed handgun when stopped. Under current law, a violation of the notification requirement is generally a first degree misdemeanor, and in certain specified circumstances, a minor misdemeanor.

The table below summarizes current law's possible terms of incarceration and fines generally for minor and first degree misdemeanor offense classifications.

Jail Terms and Fines for Certain Misdemeanor Offenses Generally		
Classification	Fine	Possible Term of Incarceration
Misdemeanor 1st degree	Up to $1,000	Jail, not more than 180 days
Minor Misdemeanor	Up to $150	None

There is no readily accessible statewide database that tracks criminal arrests and dispositions. However, annual report data available from the Franklin County Municipal Court can be used to provide a rough approximation of the number of law enforcement notification requirement violations charged statewide. The Court's data indicates that, between 2013 and 2015, there were, on average, 18 charges filed annually for failure to inform a law enforcement officer of a concealed handgun when stopped, ranging from 15 (2015) to 21 (2014). Extrapolating this average to the entire state based on the population of Franklin County (11% of Ohio's total population), and assuming all

other factors remain the same, one can estimate that the number of such charges filed statewide in those same years averaged 164 (18/11%). This suggests that the elimination of the law enforcement notification requirement means that there will be a relatively small annual statewide reduction in the number of persons charged in the future. What the data does not tell us is the frequency with which the person stopped was also charged with other criminal or traffic violations. Thus, as a result of the bill, such a person will still face other criminal or traffic violations related to the stop, but it would no longer include the failure to notify a law enforcement officer of a concealed handgun.

There will be some savings effect created for county and municipal criminal justice systems as a result of having fewer persons to arrest, prosecute, and sanction for misdemeanor 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 savings and related revenue loss for any given local jurisdiction is likely no more than minimal annually.

The state will likely lose, at most, a minimal amount of court cost revenue 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 crediting to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The court is generally required to impose state court costs totaling $29 for a misdemeanor, with $20 credited to Fund 5DY0 and $9 to Fund 4020.

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