H.B. 89 134th General Assembly	Fiscal Note & Local Impact Statement
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Version: As Introduced

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 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.

Detailed Analysis

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) 2015 through 2019, 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 number of incidents of violations of failure to notify a law enforcement officer as reported by law enforcement agencies to the Ohio Incident-Based Reporting System (OIBRS) was 97 in CY 2019 and 39 in CY 2020, further suggesting a relatively low number of offenses generally.[1]

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 might otherwise 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 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).[2]

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[1] These statistics are based upon information voluntarily reported to OIBRS by participating law enforcement agencies as of March 2, 2021, and may not reflect all violations statewide, since not all Ohio law enforcement agencies' data are available through OIBRS.

[2] 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.