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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 175  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 175's Bill Analysis](#)

**Version:** As Enacted

**Primary Sponsor:** Sen. Schaffer

**Local Impact Statement Procedure Required:** No

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### Highlights

- The civil immunity provision may prevent an occasional civil action from being filed or allow such an action to be disposed of more quickly, resulting in some reduction in the caseloads and expenditures of local trial courts that is not readily quantifiable.
- The duty to retreat provision may reduce the volume and/or complexity of certain criminal and civil actions creating a potential savings effect for common pleas courts.
- The duty to retreat provision may reduce arrests, pretrial incarceration, prosecutions, and resulting convictions for offenses of violence creating a potential savings effect for the Department of Rehabilitation and Correction and county criminal justice agencies.

### Detailed Analysis

#### Civil immunity

The Concealed Handgun License Law currently grants civil immunity to certain persons or entities, namely private employers, political subdivisions, and institutions of higher education, for injury, death, or loss related to a handgun licensee bringing a handgun to the person's or entity's premises under certain circumstances. The bill adds nonprofit corporations to this grant of civil immunity.

This provision may have the following effects on the common pleas, municipal, and county courts that have subject matter jurisdiction over civil cases: (1) reduce the likelihood that a civil action will be filed against a nonprofit corporation, and (2) expedite the resolution of a civil action subsequent to the finding of the court that such an entity in the circumstances at hand is protected from being sued for damages. Either outcome may result in some expenditure savings in a court's caseload that is not readily quantifiable in terms of dollars and

cents. It is likely that this provision will affect relatively few civil cases, as the applicable circumstances are expected to be relatively infrequent.

## **Duty to retreat**

The bill expands circumstances under which a person has no duty to retreat before using force. Under the bill, a person has no duty to retreat from any place where the person is lawfully present before using force, including deadly force, in self-defense, defense of another, or defense of that person's residence.

This provision may create some reduction in the number of persons prosecuted and sanctioned or subject to a tort action for an act of violence used in their own defense or the defense of another. Such an outcome could create some level of savings in county criminal and civil justice system operating expenses and a related loss in court cost, fee, and fine revenues that otherwise might have been collected. The magnitude of the potential changes in county criminal and civil justice system revenues and expenditures is likely to be no more than minimal annually.

To the extent that such a reduction in convictions occurs, there would likely be a corresponding reduction in the number of individuals sentenced to prison for committing certain felony offenses. Given the current state prison population in excess of 44,000, the magnitude of any reduction in offenders sent to prison will likely be comparatively small, and the overall annual incarceration cost savings likely no more than minimal.

As a result of the potential reduction in certain criminal convictions, there could also be a corresponding reduction in state court cost revenues, which are collected locally and forwarded for deposit in the state treasury to the credit of the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0). The state court cost imposed for a felony offense is \$60, of which \$30 is credited to both Fund 4020 and Fund 5DY0. If a relatively small number of criminal cases are affected annually statewide, then any potential loss in court cost revenues that would otherwise have been collected and forwarded to the state treasury will likely be minimal at most.