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H.B. 62
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsors: Reps. Loychik and Grendell

Local Impact Statement Procedure Required: No

Robert Meeker, Budget Analyst

Highlights

- The state and political subdivisions may see additional expenses to defend themselves in potential civil actions and to pay monetary damages and assessed court costs if found to have violated the bill's prohibition(s).
- The bill may create additional court hearings to determine liability in actions against public officials and to determine eligibility for service of law enforcement officers. Costs to common pleas courts and the Court of Claims associated with additional hearings are expected to be minimal at most, assuming general compliance by state and local officials and officers.

Detailed Analysis

The bill prohibits the recognition and enforcement of any federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the U.S. Constitution and Section 4 of Article 1, Ohio Constitution within Ohio's borders.¹

More specifically, the bill states that any person acting as a federal official, agent, employee, or deputy, or otherwise acting under the color of federal law who knowingly enforces, attempts to enforce, or supports others in an attempt to enforce any infringement outlined by the bill is permanently ineligible to serve as a law enforcement officer or a supervisor of law enforcement officers for the state or any political subdivision of Ohio.

¹ "Ohio Second Amendment Safe Haven Act."

The bill allows any person who believes that a law enforcement officer or supervisor of law enforcement officers has taken action that would render that officer or supervisor ineligible under the bill to serve in such capacity to pursue an action for declaratory judgment in the court of common pleas of the county in which the action allegedly occurred, or in the court of common pleas of Franklin County, with respect to the employment eligibility of the law enforcement officer or the supervisor of law enforcement officers. If an officer is found by the court to be ineligible to serve, the bill requires: (1) the immediate termination of any law enforcement officer who is determined by a court to be ineligible to serve under this provision and (2) the payment of court costs and attorney's fees by the agency that employed the terminated officer.

The number of such actions that could be filed in the court of common pleas of the county in which the action allegedly occurred or the Franklin County Court of Common Pleas is likely to be relatively small, as it is assumed that the state and political subdivisions generally will comply with bill's prohibitions and that alleged violations will be infrequent. Any increase in case filings would be partially offset by filing fees and court costs. However, if a declaratory judgement is granted against a state or local governmental agency, costs associated with that judgement could be in the thousands of dollars or more for plaintiff attorney fees. Additionally, it is unclear if bargaining unit appeals would be made after the fact by members affected by the civil action, thus creating costs for the affected state or local government employer.

The bill potentially increases the number of civil actions taken against the state and political subdivisions alleging violation of a person's rights. As such local civil justice systems and the Court of Claims, which hears damage claims against the state and its employees, could see an increase in hearing-related costs. The state and political subdivision would then see an increase in litigation expenses as defendants, as well as settlement payments should the plaintiff(s) prevail.