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H.B. 243
(1_134_0933-1)
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 243's Bill Analysis](#)

Version: In House Government Oversight

Primary Sponsor: Rep. Cutrona

Local Impact Statement Procedure Required: No

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Highlights

- The bill may increase the number of civil actions filed in certain local trial courts challenging a local ordinance regulating knives. The frequency of such filings against a political subdivision, and the related defense and settlement costs, are unpredictable with most political subdivisions presumably amending as applicable their ordinances to conform to the bill.

Detailed Analysis

Under current law, local regulation that constrains the right to bear arms is preempted by the state of Ohio. The bill adds knives to the list of protected arms under Ohio law.

Under continuing law, any person or group adversely affected by local regulation of their right to bear arms may bring forth a civil action seeking damages, declaratory relief, and/or injunctive relief against the political subdivision responsible for the regulation and its enforcement. The civil action(s) is filed against that political subdivision in the appropriate common pleas, municipal, or county court. If the person or group prevails, any damages awarded by the court are paid by the political subdivision along with a separate award for reasonable expenses.

The frequency with which political subdivisions, subsequent to the bill's enactment, may become involved in litigation involving their regulation of knives and any resulting settlements are unpredictable. Presumably, political subdivisions generally will amend their regulation of knives to conform to the bill. That said, it is likely that local trial courts generally can absorb any additional work into their daily operations with no discernible ongoing fiscal effect, as such civil actions are unlikely to become a significant part of a court's annual caseload.

Synopsis of Fiscal Effect Changes

Under the As Introduced version of the bill, any political subdivision (1) enforcing an ordinance, resolution, or rule related to knives would have seen a decrease in regulatory and enforcement expenses and a related decrease in revenues, e.g., fines or fees, or (2) enforcing a tax on the sale or purchase of knives may have experienced a minimal annual tax loss. The latest substitute version (l_134_0933-1) removes the provisions resulting in the fiscal effects noted in (1) and (2) above.

Under the substitute bill, political subdivisions instead may see an increase in defense and settlement costs related to civil actions filed in certain local trial courts challenging a local ordinance regulating knives. The frequency of such filings against a political subdivision, and the related costs are unpredictable. Presumably, political subdivisions generally will amend as applicable their ordinances to conform to the bill, making the filing of a civil action relatively rare or infrequent.