



# OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

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## Fiscal Note & Local Impact Statement

**Bill:** S.B. 281 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Sens. Hoagland and Eklund

**Local Impact Statement Procedure Required:** No

**Subject:** Refusing sale of firearms

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### State & Local Fiscal Highlights

- The bill's 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 a small reduction in the work and expenditures of local trial courts related to processing civil actions involving a refusal to sell or otherwise transfer a firearm to a person and related damages.
- The bill has no direct fiscal effect on the state.

### Detailed Fiscal Analysis

The bill expressly allows under state law a federally licensed firearms dealer (FLFD) to refuse to sell or otherwise transfer a firearm to any person regardless of whether that person is legally permitted to purchase a firearm under federal law. As an FLFD, a licensee already has the right to determine whether it is appropriate for a buyer to purchase a firearm and to refuse any sale that the licensee feels is unlawful. This includes a suspicion about the buyer's intent to commit, or assist another in committing, a crime.

The bill also creates a specific immunity from civil liability for any injury, death, or loss to a person or property that allegedly was caused by the refusal to sell or otherwise transfer the firearm to the person. There would have to be a narrow set of specific circumstances in which such a refusal to sell would be directly proximate to a death, serious injury, or loss of property. It is possible that the immunity provision may prevent a civil action from being filed or allow such an action to be disposed of more quickly than otherwise might have been the case under current law. Should this occur there would be, in theory, a small reduction in work and expenditures of local trial courts related to processing civil actions involving such a refusal and the determination of damages.