



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 45 of the 129th G.A.

Date: February 15, 2011

Status: As Introduced

Sponsor: Reps. Bupp and Johnson

Local Impact Statement Procedure Required: No

Contents: Concealed carry in a liquor permit premises and in a motor vehicle

State Fiscal Highlights

STATE FUND

FY 2012 – FUTURE YEARS

General Revenue Fund (GRF)

Revenues - 0 -

Expenditures Potential minimal annual decrease in incarceration costs

Indigent Defense Support Fund (Fund 5DY0)

Revenues Potential negligible annual loss in locally collected court costs

Expenditures - 0 -

Victims of Crime/Reparations Fund (Fund 4020)

Revenues Potential negligible annual loss in locally collected court costs

Expenditures - 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2012 is July 1, 2011 – June 30, 2012.

- **Incarceration expenditures.** There may be a minimal annual decrease in the Department of Rehabilitation and Correction's GRF-funded incarceration costs, as there may be a slight reduction in the number of felony offenders being sentenced to prison for a concealed carry violation.
- **Court cost revenues.** The state may lose a negligible annual amount of locally collected court cost revenue that is deposited in the state treasury annually to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2011 – FUTURE YEARS

Counties (criminal justice systems)

Revenues

Potential minimal annual loss in court costs and fines

Expenditures

Potential minimal annual decrease in criminal justice system costs

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **Criminal justice system expenditures.** The bill may eliminate a small number of concealed carry-related prohibition violations for county criminal justice systems to process. Any such small reductions in criminal cases stemming from the bill carries the potential to minimally decrease annual operating costs related to the processing of those felony cases.
- **Court cost and fine revenues.** County criminal justice systems may also realize a minimal annual loss in court cost and fine revenue collections, as a result of potentially fewer convictions of certain concealed carry-related prohibitions that are eliminated by the bill.

Detailed Fiscal Analysis

Overview

The bill amends the state's Concealed Carry Law to broaden the scope of where and how a properly licensed individual can lawfully carry a concealed handgun in a liquor permit premises and in a motor vehicle. The practical effect of these changes to current law is that there may be fewer violations of certain restrictions that, under current law, may lead to suspension and/or revocation of the concealed carry license by the county sheriff that issued the license. Given the fact that the overall rate of suspensions and revocations for all violations of the Concealed Carry Law is very small, between 1% and 2% statewide, it seems reasonable to conclude that the reduction in the number of statewide violations potentially resulting from the bill would also be very small.

In addition to any reduction of concealed carry license suspensions, the bill also eliminates two felony of the fifth degree penalties related to the improper handling of firearms in a motor vehicle. Given the comparatively small number of Concealed Carry Law violations and suspensions, it seems reasonable to conclude that any reduction in felony prosecutions resulting from the elimination of two prohibitions, that carried felony penalties, would also be quite small.

State fiscal effects

Incarceration expenditures

The elimination of two fifth degree felony penalties related to the improper handling of firearms in a motor vehicle may result in slightly fewer offenders being sent to prison. In theory, the fiscal effect of such an outcome would be at most a minimal annual decrease in the Department of Rehabilitation and Correction's (DRC) GRF-funded incarceration costs. The average cost to incarcerate an offender in prison for one year is currently \$23,725.

Court cost revenues

If there is a slight reduction in the number of individuals convicted statewide of a felony concealed carry violation, then the state may lose a negligible amount of locally collected state court costs that might otherwise have been collected and 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). For a nonmoving traffic violation, the court is generally required to impose state court costs totaling \$60 for a felony. The \$60 felony amount is divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020.

Local fiscal effects

Criminal justice system expenditures

As noted, the bill may eliminate a relatively small number of concealed carry-related felony violations statewide that county criminal justice systems would otherwise have had to process. Any such small reductions in criminal cases stemming from the bill carries the potential to decrease costs for counties related to investigating, prosecuting, adjudicating, and sanctioning the violator, as well as paying for defense counsel if the offender is determined to be indigent. Any resulting decrease in an affected county criminal justice system's expenditures will likely be minimal annually due to the small number of potential violations that might otherwise have occurred under current law and practice.

Court cost and fine revenues

County criminal justice systems may also realize a minimal annual decrease in court cost and fine revenue collections, as a result of potentially fewer convictions of certain concealed carry-related prohibitions that are eliminated by the bill.