



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 99
(1_134_0593-12)
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 99's Bill Analysis](#)

Version: In House Criminal Justice

Primary Sponsor: Rep. Hall

Local Impact Statement Procedure Required: No

Jessica Murphy, Budget Analyst, and other LBO staff

Highlights

- The bill may relieve school districts and other public schools that choose to authorize certain personnel to be armed in a school safety zone from basic peace officer training costs. However, requiring a person authorized to go armed to, at a minimum, have successfully completed 20 hours of initial training and four hours of additional annual training will result in costs of around \$225 to \$250 per person for initial training and \$100 per person annually for the school board or governing body of a school. The bill also requires such a person to also have a concealed handgun license. This license will carry training costs of around \$100 per person plus license fees if the person needs it and the district or school intends to cover the cost.
- There may be a minimal gain in concealed handgun license fee revenue credited to the state's General Reimbursement Fund (Fund 1060) and local Sheriff's Concealed Handgun License Issuance Expense funds and a commensurate expenditure increase in the related background check work performed by the state's Bureau of Criminal Investigation and sheriff administrative and enforcement functions, respectively.
- The bill will create periodic short-term administrative work for the Attorney General to establish the required training protocol, and to evaluate and revise as necessary. It is likely that the Attorney General, and affiliated entities (the Ohio Peace Officer Training Commission (OPOTC) and the Ohio Peace Officer Training Academy (OPOTA)), can incorporate the work into their existing statutory responsibilities regarding peace officer training certification and rulemaking with minimal ongoing costs.

Detailed Analysis

Overview

Current law generally prohibits persons from carrying firearms in a school safety zone. This prohibition does not apply to a person employed as a security officer or any other person with written authorization from a board of education or governing body of a school to go armed within a school safety zone. Current law also requires school employees serving in a law enforcement or security role in which the person goes armed while on duty to complete an approved basic peace officer training program unless the person has completed 20 years of active duty as a peace officer. In March 2020, the Ohio 12th District Court of Appeals ruled the training requirement also applies to individuals other than a security officer who are authorized to go armed. The school district involved in the case, Madison Local School District, appealed the 12th District Court of Appeals' decision to the Ohio Supreme Court, which on August 26, 2020, granted a stay of the ruling pending a final decision. On June 23, 2021, the Ohio Supreme Court affirmed the District Court of Appeals' judgement.¹

In response to the Ohio Supreme Court's decision, the bill exempts individuals authorized to go armed from basic peace officer training requirements so long as the authorized individual is not hired in the capacity of a special police officer or security officer. However, the bill requires such a person to qualify for authorization by successfully completing certain training requirements and requires a person to have a concealed handgun license. School districts and other public schools may choose to require an individual to receive more training than the training required by the bill.

Fiscal effect

School districts and other public schools

The bill may decrease the costs incurred by school districts and other public schools that choose to authorize individuals to go armed by reducing the training requirements for such personnel (assuming the districts or schools would have paid for basic peace officer training in response to the Ohio Supreme Court's decision). Basic peace officer training program costs vary by provider, with the total curriculum consisting of a minimum of 737 training hours.² Various tuition listings show amounts in the range of \$5,000 or more.³ In contrast, the bill requires 20 hours of initial training and four hours of additional training annually (see the "**Attorney General**" section below for additional details) and requires school districts or other public

¹ *Gabbard et al. v. Madison Local School District Board of Education*, <https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2021/2021-ohio-2067.pdf>.

² Ohio Attorney General's Office. "How to Become a Peace Officer in Ohio." Available online at <https://www.ohioattorneygeneral.gov/How-to-Become-a-Peace-Officer-in-Ohio>.

³ Not all peace officer training academies are available to nonlaw enforcement personnel (such as teachers or administrators that could be authorized to go armed). Some require recruits to be appointed by a law enforcement agency while others are open to anyone who meets the qualifications. Some of these latter options are provided by schools of various types, but may only be available through enrollment in an associate degree program, as in the case of Columbus State Community College.

schools that choose to authorize individuals to go armed to pay all fees for this training. Initial training programs cost between \$225 and \$250 and annual training programs cost about \$100.⁴

The bill also requires authorized personnel to have a valid concealed handgun license but school districts and other public schools are not required to pay for it. The costs of this requirement depend on if the person a school wishes to authorize to go armed has already received the training and license, and if not, whether the school intends to cover the training and license costs. Training courses include at least eight hours in safe handling and use of a firearm. Course costs vary by provider but generally cost around \$100 per person. Under continuing law, the cost of a concealed carry license is as follows: new (\$67/\$91) and renewal (\$50/\$74).⁵ A license is valid for five years. The county sheriff collects the fees as part of their duties and responsibilities to administer and enforce the state's concealed carry laws. The sheriff retains \$40 of a new license fee and \$35 of the renewal license fee for crediting to the Sheriff's Concealed Handgun License Issuance Expense Fund, which is used solely to pay for related administrative and enforcement costs. The remainder is credited to the General Reimbursement Fund (Fund 1060), which the Attorney General uses, in part, to fund the cost of background checks performed by the Bureau of Criminal Investigation (BCI), as well as any checks requested from the FBI. Thus, these funds may gain a minimal amount of revenue annually if the bill leads to additional individuals obtaining a concealed handgun license.

Administrative costs may increase for school districts and other public schools to notify the public if the board or governing body authorizes a person to go armed within a school safety zone. The notification may occur by whatever means the district or school regularly communicates with the public.

Attorney General

The bill requires the Attorney General to adopt rules for the initial and additional training that a school employee must successfully complete to be authorized to go armed within a school safety zone. Under the bill, the rules for initial training must specify the content of 18 hours of general training and two hours of handgun training. For annual "additional training" following the initial training, the rules similarly must specify the content for general and handgun training, but limits the number of training hours in each area to two hours. For a description of the requirements that must be included in the rules for handgun training, please refer to the [Substitute Bill Comparative Synopsis](#).

The bill will pose a short-term administrative burden on the Attorney General to establish the training protocol and draft rules. These rules would be periodically evaluated and potentially revised. The Attorney General will be able to handle the associated work without a significant increase in resources, as it will be incorporated into existing statutory responsibilities regarding peace officer training certification and rulemaking. Presumably, the Ohio Peace Officer Training Commission, an affiliate of the Attorney General, will develop the rules, curricula, minimum

⁴ Action Defense OPOTA; Cuyahoga Community College Private Security Firearms Training; Ohio Citizens Firearm Training; Strategic Training Group.

⁵ Applicants residing in Ohio for five years or more pay a fee of \$67 for a new license or \$50 for a renewal license. Applicants residing in Ohio for less than five years pay an additional \$24 for a new or renewal license for the cost of the required FBI background check (R.C. 2923.125).

attendance, and other requirements necessary for approval of a training program. The bill is likely to increase costs for the Commission to certify training programs.

Synopsis of Fiscal Effect Changes

- The substitute bill (I_134_1593-12) may decrease the As Introduced (previous) bill's savings effect with respect to the costs associated with a school district or other public school opting to authorize an individual to go armed within a school safety zone by:
 - Adding the initial and ongoing annual training requirements that a school employee must complete before a board of education or governing body of a school can authorize them to go armed (the substitute bill maintains the exemption from basic peace officer training for these individuals);
 - Requiring a school district or other public school to pay for the required initial and annual training; and
 - Requiring an authorized individual to have a concealed handgun license instead of the previous bill's requirement to have successfully completed firearms training that meets the requirements necessary to obtain such a license (costs associated with a district or school paying an authorized individual's concealed handgun license fees, as well as the training for that license, are permissive).
- The substitute bill adds the bill's fiscal effects on the state's General Reimbursement Fund (Fund 1060) and local Sheriff's Concealed Handgun License Issuance Expense funds as a result of the concealed handgun license requirement discussed immediately above.
- The substitute bill adds the bill's fiscal effects on the Attorney General's Office by requiring the Office to adopt certain rules regarding the initial and ongoing annual training required for individuals authorized to go armed in a school safety zone.
- The substitute bill adds the bill's fiscal effects of requiring school districts and other public schools to notify the public if the board or governing body authorizes a person to go armed within a school safety zone.