Betty Montgomery Auditor of State

Bulletin 2004-03

Date Issued: **April 5, 2004**

TO: All County Auditors
All County Commissioners
All County Sheriffs
All Independent Public Accountants

FROM: **Betty Montgomery**
Ohio Auditor of State

SUBJECT: **Concealed Handgun License Issuance Expense Fund**

Effective April 8, 2004, county sheriffs will begin to issue licenses to those who wish to carry a concealed handgun pursuant to Amended Substitute House Bill 12 of the 125th General Assembly. Applicants must pay a fee for the issuance or renewal of a license, for the issuance of a duplicate license, or for the issuance of a temporary emergency license. In consultation with the Ohio Attorney General, the Ohio Peace Officer Training Commission (Commission) will establish the amount of the licensing fee.

There are several steps in the application process, including both a criminal records check and a competency check. A portion of the licensing fee will be used to pay for costs incurred throughout the application process. Again, in consultation with the Attorney General, the Commission will determine how the fee will be apportioned. Administrative rules regarding the fee and its distribution have been proposed but are not yet final. Questions concerning the fees and their distribution may be directed to the Commission at (800) 346-7682.

According to provisions prescribed in Ohio Revised Code (O.R.C.) Section 311.42, each county is required to create a Concealed Handgun License Issuance Expense Fund. Sheriffs are required to deposit all fees collected for the issuance of a license into this Fund. The money will then be distributed in accordance with the guidelines established by the Commission. With approval from county commissioners, sheriffs may spend any county portion of the fees to pay any costs incurred in issuing the license. For example, O.R.C. § 311.42 allows sheriffs to charge personnel expenses and the costs of any handgun safety education program they offer to the Fund.

The creation of the Concealed Handgun License Issuance Expense Fund is clearly authorized by statute. Thus, the Auditor of State's permission is not necessary to establish such a fund. However, we recommend that the Fund be established as a special revenue fund. Questions concerning this Bulletin should be directed to the Local Government Services Section of the Auditor of State's Office at (800) 345-2519.

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