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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.B. 205**  
**133<sup>rd</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.B. 205's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Sens. Hottinger and O'Brien

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- The bill may slightly increase the number of offenders being sentenced to prison and may lengthen some prison terms. The Department of Rehabilitation and Correction's marginal annual incarceration cost for a small number of additional offenders is \$3,000 to \$4,000 per offender.
- The bill will likely elevate certain misdemeanors to felonies, which could generate minimal at most annual state court cost revenue that is apportioned between the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).
- The bill will likely elevate certain misdemeanors to felonies, resulting in a potential annual savings effect on municipal criminal justice system operating costs and a potential annual expenditure increase in county criminal justice system operating costs. In such circumstances, revenues in the form of court costs, fees, and fines, will also shift from the former to the latter.

### **Detailed Analysis**

The bill: (1) redefines what constitutes serious physical injury inflicted on a companion animal, (2) generally increases the penalty for causing serious physical injury to a companion animal from a first degree misdemeanor (for a first offense) to a third degree felony, (3) increases the penalty for knowingly and needlessly killing a companion animal from a first degree misdemeanor (for a first offense) to a third degree felony, and (4) creates a new prohibition against a person who causes physical injury or kills a companion animal (a fourth degree felony).

These penalty changes appear unlikely to generate many, if any, additional cases for local criminal justice systems to investigate, prosecute, and adjudicate, as the circumstances

present already constitute criminal conduct. It is possible that: (1) some circumstances that might have been handled as a misdemeanor under current law will, under the bill, be treated as a felony, and (2) problematic prosecutions may become less so. Depending upon the jurisdiction in which the offense occurred, such a misdemeanor could shift out of a municipal criminal justice system to the appropriate county criminal justice system with subject matter jurisdiction over felonies. LBO's research suggests that the number of cases affected in any given local jurisdiction will be relatively small in the context of its total criminal caseload. This means that the bill's penalty provisions are unlikely to generate a discernible ongoing fiscal effect on counties and municipalities in terms of revenues generated or expenditures incurred.

The bill may result in: (1) a prison sentence that may not have been imposed under current law or (2) an increase in prison time that certain offenders may have served for such offenses as compared to current law. As there are likely to be a relatively small number of offenders affected in either manner each year, the associated incarceration costs for the Department of Rehabilitation and Correction (DRC) will be minimal annually. The marginal cost to add those offenders to the prison system is \$3,000 to \$4,000 per offender. The average prison time served for felonies of the third and fourth degree are 2.09 years and 1.08 years, respectively.<sup>1</sup>

A few additional felony convictions stemming from the bill may generate minimal at most state court cost revenue that is collected locally and forwarded for credit to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The state court costs total \$60 for a felony and \$29 for a misdemeanor. The \$60 felony amount is divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020. The \$29 misdemeanor amount is divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020. It is also important to note that collecting court costs, fees, and fines from certain offenders can be problematic, especially in light of the fact that many are unable or unwilling to pay.

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<sup>1</sup> DRC's most recent average time served data is for calendar year 2016.