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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 350
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Rep. Hoops

Local Impact Statement Procedure Required: No

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Highlights

- The annual costs for county and municipal criminal justice systems under the jurisdiction of the Sixth District Court of Appeals (Erie, Fulton, Huron, Lucas, Ottawa, Sandusky, Williams, and Wood counties) to enforce the bill's Domestic Animal Law provisions, which are already in effect in the remainder of the state, will be no more than minimal annually. The related revenue generated in the form of fines and court costs and fees may offset those costs to some degree.

Detailed Analysis

The bill reenacts current law provisions governing sexual conduct with an animal (bestiality) and animal fighting, originally enacted by S.B. 331 of the 131st General Assembly. The bill, which dealt with pet stores, also contained provisions dealing with employment and telecommunications, and was subsequently challenged as a violation of the Ohio Constitution's one-subject rule. While 11 of Ohio's 12 district courts of appeals maintained the animal fighting and bestiality provisions, the Sixth District Court of Appeals (based in Toledo, and presiding over Erie, Fulton, Huron, Lucas, Ottawa, Sandusky, Williams, and Wood counties) found the bill to be unconstitutional in its entirety due to the lack of a primary subject matter.¹ Since the ruling only pertains to those counties under the jurisdiction of the Sixth District Court of Appeals, the bill's animal fighting and bestiality provisions are still effective for the remainder of the state. As such, the remainder of this fiscal note describes the fiscal impact as it pertains only to those counties under the jurisdiction of the Sixth District Court of Appeals.

¹ Additional information on the Sixth District Court of Appeals ruling is available in the bill analysis.

Sexual conduct with an animal

The bill prohibits certain activities that pertain to sexual conduct with an animal. A violation of any of the bill's prohibitions is a second degree misdemeanor, which carries the possibility of a jail term of not more than 90 days, a maximum fine of \$750, or both.

Although not specifically prohibited prior to the enactment of S.B. 331, current practice indicated that this conduct had been successfully prosecuted using misdemeanor prohibitions against injuring, or cruelty to, animals. It also appeared that arrests for this conduct were relatively infrequent. This suggested that, in any given year, the bill was not likely to create a discernible increase in the number of persons arrested, prosecuted, and sanctioned for an animal cruelty violation. Thus, to the degree that violations of the bill's prohibition generated any tangible additional processing and sanctioning costs for a county or municipal criminal justice system, such costs would be negligible annually. Those costs could include some mix of investigative work by local law enforcement, prosecution, adjudication, indigent defense, jail time, and probation.

In the case of a person convicted of, or pleading guilty to, a misdemeanor, the court generally is authorized to impose a mix of state and local court costs, fees, and fines, and permitted to waive their imposition if the offender is determined to be indigent. The likely amounts to be generated annually for either the state, counties, or municipalities will be negligible. This is because many offenders are either financially unable or unwilling to pay, and very few offenders will be arrested, charged, and convicted of violating any of the bill's prohibitions. The state revenues would be in the form of locally collected state court costs that are forwarded for deposit to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

The bill also applies existing procedures and requirements to the seizure, impoundment, and disposition of the animal, and permits the court under certain specified circumstances to require the offender undergo a psychological evaluation or counseling. The court is required to order the offender to pay the costs of the evaluation or counseling. The bill is silent on payment of those costs if the offender is determined to be indigent. The costs for county and municipal authorities to comply with these duties and responsibilities will be negligible annually.

Animal fighting

The bill adds to the types of activities associated with animal fighting that are criminal offenses, and alters existing animal fighting prohibitions and increases penalties for several of those prohibitions. Generally, many of the offenses related to the activity associated with animal fighting are prohibited under the law as it was prior to March 21, 2017. The bill effectively provides for certain penalty enhancements that could lead to more expedient prosecution and adjudication of such offenses. (For a complete description of the bill's prohibitions related to animal fighting, please refer to the LSC bill analysis.)

The bill's animal fighting provisions will have a minimal at most effect on the annual operating costs of county and municipal criminal justice systems. Those costs include investigation, prosecution, defense (if the offender is indigent), adjudication, and sanctioning (if the person is convicted or pleads guilty). The number of criminal cases that could be generated, or affected, by violations of the prohibitions are expected to be relatively small in the context of

any given local criminal justice system's workload. Related revenue in the form of fines and court costs and fees collected from offenders may offset those costs to some degree.