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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 351  
135<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 351's Bill Analysis](#)

**Version:** As Reported by House Criminal Justice

**Primary Sponsor:** Rep. Young

**Local Impact Statement Procedure Required:** No

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### Highlights

- The bill is unlikely to create more than a negligible annual increase in local and state criminal justice system expenditures or corresponding gain in related court cost and fine revenue.
- The bill's requirement that a person who is convicted of or pleads guilty to the violation undergo a psychological evaluation or counseling is likely to be cost neutral as those costs are required to be borne by the offender. However, in the case of indigence, it is possible that local courts may facilitate such evaluations using their own budgetary resources.

### Detailed Analysis

The bill prohibits a person from knowingly treating a corpse of a companion animal in a way that would outrage reasonable community sensibilities unless authorized by law. The bill specifies that a person who violates the above prohibition is guilty of a first degree misdemeanor, which is punishable with a sentence of not more than 180 days in jail, a fine of up to \$1,000, or both. For a subsequent offense, a violation is a fifth degree felony and subject to a definite prison term of 6, 7, 8, 9, 10, 11, or 12 months; a fine of not more than \$2,500; or both.<sup>1</sup> Additionally, a person who is convicted of or pleads guilty to the violation, must pay for the costs of the court-ordered psychological evaluation or counseling.

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<sup>1</sup> According to current sentencing guidelines, unless a prison term is mandatory for an offense or specification, the sentencing court has the option to either place a defendant under the court's supervision on community control with a reserved prison sentence, or to impose a prison term for the offense.

## Local fiscal effects

It appears unlikely that the bill will create many, if any, new cases for local criminal justice systems to process (felony and juvenile cases are adjudicated in courts of common pleas while misdemeanors are adjudicated by municipal and county courts). That said, any new criminal case that is created as a result of violating the bill's new prohibition carries the potential to increase related local criminal justice system costs, for example, expenses related to investigating, prosecuting, adjudicating, and sanctioning the offender, as well as paying for defense counsel if the offender is indigent. The fine, court cost, and fee revenue the local jurisdictions may gain will be minimal annually.

Regarding the bill's provision for mandatory psychological evaluations and counseling, the bill states that it would be the responsibility of the offender to cover the costs. In the case that the offender is indigent, courts will likely pay these costs through funding in their budget or through local partnerships with various mental health providers.

## State fiscal effects

Because of the bill, there could potentially be a very small number of additional felony offenders sentenced to the care and custody of the Department of Rehabilitation and Correction (DRC) or to the Department of Youth Services (DYS), if the offender is a minor. Such an outcome would increase the costs of both institutions. However, it is likely that such costs would be minimal at most when compared to the current population and annual commitments for all other offenses. Additional felony convictions stemming from the bill may generate a minimal at most annual gain in state court cost revenue that is collected locally and apportioned between 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 is divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020. The state court costs total \$29 for a misdemeanor and is divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020. It is also important to note that collecting court costs and fines from certain offenders can be problematic due to indigence or refusal to pay.