



# Ohio Legislative Service Commission

*Terry Steele*

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 198 of the 131st G.A.

**Date:** June 9, 2015

**Status:** As Introduced

**Sponsor:** Reps. Hambley and Johnson

**Local Impact Statement Procedure Required:** No

**Contents:** Abolishes the authority of humane societies to employ attorneys to prosecute certain violations of the law dealing with animal cruelty and other acts

### State Fiscal Highlights

- No direct fiscal effect on the state.

### Local Fiscal Highlights

- The bill abolishes the authority of a humane society or its agent to employ an attorney to prosecute certain violations of the law. Under current law, these attorneys are paid from the county treasury. Therefore, there would not be any new costs to counties under the bill as the county is already paying these costs. However, depending on the compensation given to humane society attorneys, there could either be a minimal increase or decrease in prosecution costs for these cases to be handled by county prosecutors.
- Continuing law specifies that the authority to prosecute the violations of law specified in the bill lies with the prosecuting attorney, village solicitor, city law director, or other chief legal officer. In some cases under the bill, political subdivisions other than counties could have to prosecute such cases and bear those costs, whereas under current law the county would pay the prosecution costs through the humane society. However, it is possible that many such cases would be referred to a county prosecutor; therefore, those cases would be handled at the county level.

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## Detailed Fiscal Analysis

### Humane society authority to employ attorneys

The bill repeals the statute authorizing a humane society or its agent to employ an attorney and assistant attorneys to prosecute violations of the law relating to (1) prevention of cruelty to animals or children, (2) abandonment, nonsupport, or ill treatment of a child by its parent, (3) employment of a child under 14 years of age in public exhibitions or vocations injurious to health, life, or morals or which cause or permit such child to suffer unnecessary physical or mental pain, and (4) neglect or refusal of an adult to support a destitute parent.

Additionally, the law being repealed by the bill contains a provision that requires the attorneys employed by a humane society to be paid out of the county treasury in an amount approved as just and reasonable by a board of county commissioners of that county. Under continuing law, the authority to prosecute the violations of those laws lies with a prosecuting attorney, village solicitor, city law director, or other chief legal officer.

There would not appear be any new costs to counties under the bill. Depending on the level of compensation given to attorneys employed by humane societies, there could either be a reduction in costs or an increase in costs for county prosecutors to handle such cases. However, any difference in costs would appear to be minimal. In some cases under the bill, political subdivisions other than counties could have to prosecute such cases and bear those costs, whereas under current law the county would pay the prosecution costs through the humane society. However, it is quite possible that in many such circumstances, such a case would be referred to a county prosecutor anyway.