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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 503
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 503's Bill Analysis](#)

Version: As Reported by House Agriculture

Primary Sponsors: Reps. Peterson and Jones

Local Impact Statement Procedure Required: No

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Highlights

Department of Natural Resources

- The bill establishes various prohibitions regarding feral swine and wild boar. The Ohio Department of Natural Resources' Division of Wildlife will enforce these prohibitions, paid from the Wildlife Fund (Fund 7015).
- The Division could partially offset enforcement costs, since the bill requires a person who is convicted or pleads guilty to a violation of the bill's prohibitions to pay the costs incurred by any state or federal agency for the investigation, control, and eradication of wild boar or feral swine that resulted from the violation.

Department of Agriculture

- The bill eliminates the required annual license to feed treated garbage to swine. The Department of Agriculture (AGR) last issued such a license for calendar year 2019.
- Instead, the bill prohibits feeding any garbage to swine, including treated garbage. It sets a \$500 fine for a first offense and \$1,000 fine for subsequent offenses, credited to the renamed Animal and Consumer Protection Fund (Fund 5MS0). AGR has not levied any fines under current law on garbage-fed swine for at least five years.

Detailed Analysis

Department of Natural Resources

The bill establishes prohibitions, as shown in the table below, regarding feral swine and wild boar. Costs to enforce these prohibitions would be borne by the Ohio Department of Natural Resources' (ODNR) Division of Wildlife and paid from the Wildlife Fund (Fund 7015), which

receives revenue primarily from the sale of hunting and fishing licenses and permits, and federal sportfish and wildlife restoration grants. Costs incurred by the Division could be at least partially offset by the bill's provision requiring any person who is convicted or pleads guilty to a violation of the bill's prohibitions to pay the costs incurred by any state or federal agency for the investigation, control, and eradication of wild boar or feral swine that resulted from the violation. Under the bill, payments to the Division of Wildlife would be deposited to the credit of Fund 7015.

| Criminal Penalty | Prohibition | Applicable Fine/ Incarceration |
|--------------------------|--|---|
| First degree misdemeanor | <ul style="list-style-type: none"> ▪ Transporting or possessing live wild boar or feral swine ▪ Expanding the range of a wild boar or feral swine by introducing the wild boar or feral swine to a new location ▪ Allowing a swine that is under the ownership or possession of the person to live in a feral state ▪ Except for eradication by a landowner or landowner's agent as permitted by the bill, hunting, trapping, or killing a wild boar or feral swine or assisting in the hunting, trapping, or killing of a wild boar or feral swine ▪ Profiting from the releasing, hunting, trapping, or killing of wild boar or feral swine ▪ Except as provided in Division of Wildlife rules, failing to notify the Division within 24 hours after the eradication or attempted eradication of feral swine or wild boar ▪ Purposely feeding a wild boar or feral swine ▪ Releasing for hunting or hunting wild boar or feral swine in any wild animal hunting preserve in Ohio | Up to \$1,000/ not more than 180 days in jail |
| Fifth degree felony | <ul style="list-style-type: none"> ▪ Releasing wild boar or feral swine into the wild or importing wild boar or feral swine into Ohio | Up to \$2,500/ 6-12 months in prison |

Municipal and county courts and courts of common pleas might also incur costs to try cases involving violations of the bill's prohibitions. These costs could be at least partially offset by fines imposed in trials resulting in convictions. Fines from criminal cases are retained by the county in which the conviction occurs. Additionally, under continuing law, felony convictions require the courts to impose state court costs of \$60 for the Indigent Defense Support Fund (Fund 5DVO) and \$30 for the Victims of Crime/Reparations Fund (Fund 4020). Prison or jail terms, while possible, seem unlikely outcomes for convictions under the bill.

The frequency with which the bill's prohibitions would be violated is difficult to predict. However, the history of feral swine and wild board propagation in Ohio suggests the number would be relatively small. According to ODNR, although feral swine have been reported across

the state, breeding populations have been confirmed only in eight southeastern counties: Adams, Athens, Gallia, Hocking, Jackson, Lawrence, Scioto, and Vinton.

Department of Agriculture

Under the bill, the Department of Agriculture (AGR) will experience minimal, if any, fiscal impacts. The bill eliminates the required annual license to feed treated garbage to swine. AGR last issued a license for calendar year 2019. Under current law, the license costs \$100 per year and could include an additional late fee of \$50 for an application submitted after November 30. Additionally, the bill prohibits feeding any garbage to swine, including treated garbage. It sets a \$500 fine for a first offense and \$1,000 fine for subsequent offenses. These fines will be credited to the Animal and Consumer Protection Fund (Fund 5MS0), currently named the Captive Deer Fund. Receipts in this fund would also be used to cover any costs incurred for investigating violations. These fines replace the penalties for violating the licensing provisions regarding garbage-fed swine. The penalties under continuing law are \$100 for a first offense and \$200 or between 90 days and 180 days in jail for second and subsequent offenses. Looking back through 2019, there have not been any violations of current law for garbage-fed swine.