



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: S.B. 195 of the 131st G.A. **Date:** November 30, 2016
Status: As Reported by Senate Criminal Justice **Sponsor:** Sens. Hughes and Hottinger
Local Impact Statement Procedure Required: No
Contents: Sexual conduct with an animal

State Fiscal Highlights

- There may be a negligible annual revenue gain in locally collected state court costs deposited into the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

Local Fiscal Highlights

- There may be a negligible annual expenditure increase and related revenue gain for a county or municipal criminal justice system to dispose of a few additional misdemeanor animal cruelty cases.

Detailed Fiscal Analysis

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 under existing law, current practice indicates that this conduct has been successfully prosecuted using misdemeanor prohibitions against injuring, or cruelty to, animals.¹ It also appears that arrests for this conduct are relatively infrequent. This suggests that, in any given year, the bill is 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 generate any tangible additional processing and sanctioning costs for a county or municipal criminal justice system, such costs will be negligible annually.

¹ R.C. 959.02 and 959.13, respectively.

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 or local treasuries 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).²

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.

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² "State court costs" are statutorily specified amounts collected by local courts and forwarded for deposit in the state treasury. The court is generally required to impose state court costs totaling \$29 for a misdemeanor. The \$29 misdemeanor amount is divided as follows: \$20 to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020).