

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **H.B. 366** **DATE:** **January 22, 2008**
STATUS: **As Introduced** **SPONSOR:** **Rep. Webster**
LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**
CONTENTS: **Removes pit bulls from the definition of "vicious dog" in state law and authorizes the adoption of local ordinances or resolutions that define "dangerous dog" and "vicious dog" more broadly than state law defines those terms**

State Fiscal Highlights

STATE FUND	FY 2008	FY 2009	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	Potential negligible loss	Potential negligible loss
Expenditures	- 0 -	- 0 -	- 0 -
Victims of Crime/Reparations Fund (Fund 402)			
Revenues	- 0 -	Potential negligible loss	Potential negligible loss
Expenditures	- 0 -	- 0 -	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 – June 30, 2008.

- By removing pit bulls from the definition of vicious dogs, it is possible that violations of the law concerning certain requirements with respect to vicious dogs will decrease. If the number of violations does decrease, it would result in a negligible loss in the amount of state court cost revenue collected by the GRF and the Victims of Crime/Reparations Fund (Fund 402).

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
Counties and Municipalities			
Revenues	Potential loss	Potential loss	Potential loss
Expenditures	Potential decrease	Potential decrease	Potential decrease

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- By removing pit bulls from the definition of vicious dogs, it is possible that violations of the law concerning certain requirements with respect to vicious dogs will decrease. If the number of such violations drops, counties and municipalities may spend less prosecuting and adjudicating such cases. There might also be a corresponding loss in court costs and fine revenue.



Detailed Fiscal Analysis

Background

Current law defines "dangerous dog" and "vicious dog" and requires owners, keepers, and harborers of dangerous or vicious dogs to satisfy certain requirements regarding transfer, confinement, and restraint of the dogs and liability insurance that do not apply to dogs that are not dangerous or vicious. Currently, "vicious dog" means a dog that, subject to certain exceptions, without provocation (1) has killed or caused serious injury to any person, (2) has caused injury, other than killing or serious injury, to any person, or has killed another dog, or (3) belongs to a breed that is commonly known as a pit bull dog. Owning, keeping, or harboring a pit bull dog is prima-facie evidence of owning, keeping, or harboring a vicious dog.

Changes made by the bill

This bill removes pit bulls from the definition of "vicious dog." Therefore, a pit bull would be classified as a vicious dog based only on its behavior, rather than its breed. However, the bill states that local ordinances or resolutions to control dogs may define "dangerous dog" or "vicious dog" more broadly than those terms are defined in state law. The bill notes that the locally expanded definitions cannot be considered to be in conflict with the Revised Code.

Fiscal effects

Current law contains various penalties for violating the prohibitions and requirements pertaining to vicious dogs. By removing pit bulls from the definition of vicious dogs, an owner of a pit bull could not be liable for failing to satisfy those requirements (which concern transfer, confinement, and restraint of and liability insurance for the dogs) unless the dog meets the other aspects of the "vicious" definition. The Franklin County Municipal Court reported that, in CY 2005, there were 91 charges of "failure to confine a vicious dog" (such charges were not enumerated by the Court for FY 2006) and there were 157 charges of not having liability insurance for vicious dogs in CY 2006. However, it is uncertain how many of these charges specifically involved "pit bulls" or if these numbers are representative of the entire state.

It is important to note that pit bulls are not actually a breed of dog. They are better categorized as a "type" of dog. According to an official with the Ohio Veterinary Medical Association, the pit bull type is generally recognized as comprising certain breeds, such as the American Staffordshire terrier, the bull terrier, and the bulldog among others. LSC is unaware of specific charge data on failure to confine and liability insurance cases that identify the specific breed or type of dogs involved. As such, determining the magnitude of the reduction in criminal cases, if any, would be difficult.

If the number of violations drops, counties and municipalities may experience a decrease in expenditures related to prosecuting and adjudicating such cases, and a corresponding loss of court cost and fine revenue. A reduction in cases would also result in a negligible loss in the amount of state court cost revenue collected by the GRF and the Victims of Crime/Reparations Fund (Fund 402).

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