

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
 77 South High Street, 9th Floor, Columbus, OH 43215-6136 ♦ Phone: (614) 466-3615
 ♦ Internet Web Site: <http://www.lsc.state.oh.us/>

BILL: **Am. H.B. 415** DATE: **May 19, 2008**

STATUS: **As Reported by House Criminal Justice** SPONSOR: **Reps. Blessing and Domenick**

LOCAL IMPACT STATEMENT REQUIRED: **No — Offsetting revenues**

CONTENTS: **To increase the penalty for cockfighting**

State Fiscal Highlights

STATE GOVERNMENT	FY 2009	FY 2010	FUTURE YEARS
General Revenue Fund			
Revenues	Potential negligible gain	Potential negligible gain	Potential negligible gain
Expenditures	- 0 -	- 0 -	- 0 -
Victims of Crime/Reparations Fund (Fund 0420)			
Revenues	Potential negligible gain in fine revenue	Potential negligible gain in fine revenue	Potential negligible gain in fine revenue
Expenditures	- 0 -	- 0 -	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2009 is July 1, 2008 – June 30, 2009.

- The bill enhances the fines for cockfighting. The Attorney General's Victims of Crime/Reparations Fund (Fund 0420) and the GRF both receive a portion of fines collected by county courts, and could gain small amounts of revenue if this bill leads to a higher number of convictions and fines.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
Counties			
Revenues	Potential gain in fine revenue; gain from sale of confiscated goods and forfeited cash	Potential gain in fine revenue; gain from sale of confiscated goods and forfeited cash	Potential gain in fine revenue; gain from sale of confiscated goods and forfeited cash
Expenditures	Potential increase in court costs from increased caseloads	Potential increase in court costs from increased caseloads	Potential increase in court costs from increased caseloads

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

- The bill enhances the penalties for cockfighting. While county courts may experience an increase in cases that are decided by a jury trial due to the penalty enhancements, these costs could be offset by the increases in fines.



- The bill requires the proceeds collected from the sale of confiscated property and forfeited cash to be used to pay the expenses of sheltering and euthanizing impounded roosters. The bill further requires that any remaining amounts be used for educational programs to dissuade individuals from participating in cockfighting.

Detailed Fiscal Analysis

Background

The bill increases the penalty for cockfighting. Under current law, animal fighting, which includes cockfighting, is a misdemeanor of the fourth degree. Both county dog wardens and local police are permitted to investigate any claims of dogfighting or cockfighting. The bill increases the penalty to a felony of the fourth degree, which carries a penalty of between 6-18 months in prison and a fine of \$5,000, for the first offense, and a felony of the third degree for subsequent offenses. A third-degree felony carries a penalty of between one and five years in prison and a fine of \$10,000.

In addition to the penalty enhancements above, the bill also provides that if any equipment, devices, or other items involved in such offenses are confiscated, forfeited, and sold or if any cash is confiscated and forfeited, the proceeds from the sale and the cash is to be used to pay the costs incurred by the impounding animal shelter in caring for or euthanizing roosters involved in these offenses. Courts are required to order that any remaining proceeds and any cash after those costs are paid be used for educational purposes designed to eliminate cockfighting.

Impact on county courts and animal shelters

The enhancement of penalties for cockfighting could potentially lead to more cases being determined by jury trial than through plea-bargaining. This could potentially result in increased court costs for counties. However, some of these additional costs could be offset by the additional revenue received through the increase in fines levied for the enhanced penalties. With a greater chance for a higher number of jury trials, county animal shelters may have to house impounded animals longer if these cases take longer to reach an outcome. The costs of housing these animals longer could be offset by the proceeds of confiscated property and forfeited cash.

Ultimately, the fiscal impact of the bill will depend on the number of cockfighting cases that arise. According to the Attorney General's web site, the Humane Society of the United States reports that in calendar year 2007 there were two cases of cockfighting statewide, in which there were 22 arrests and 101 roosters seized. Property and/or cash was seized in both of these cases.

LSC fiscal staff: Terry Steele, Budget Analyst
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