# Fiscal Note & Local Impact Statement

127 th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: H.B. 415 DATE: April 9, 2008

STATUS: As Introduced SPONSOR: Reps. Blessing and Domenick

LOCAL IMPACT STATEMENT REQUIRED: No — Offsetting revenues

CONTENTS: To increase the penalty for animal fighting, including cockfighting and dogfighting

## State Fiscal Highlights

STATE GOVER	NMENT 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	Potential negligible gain in	Potential negligible gain in		
	fine revenue	fine revenue	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 and dogfighting. 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 GOVERN	MENT FY 2008	FY 2009	FUTURE YEARS
Counties			
Revenues	Potential gain in fine	Potential gain in fine	Potential gain in fine
	revenue; gain from sale of	revenue; gain from sale of	revenue; gain from sale of
	confiscated goods and	confiscated goods and	confiscated goods and
	forfeited cash	forfeited cash	forfeited cash
Expenditures	Potential increase in court	Potential increase in court	Potential increase in court
	costs from increased	costs from increased	costs from increased
	caseloads	caseloads	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 animal fighting, including cockfighting and dogfighting. 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 animals. The bill further requires that any remaining amounts be used for educational programs to dissuade individuals from participating in cockfighting or dogfighting.

# **Detailed Fiscal Analysis**

### **Background**

The bill increases the penalties for animal fighting, including dogfighting and 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. With respect to dogfighting, current law makes a first offense a felony of the fourth degree and a felony of the third degree for each subsequent offense. The bill changes this so that the penalty for this offense is always a felony of the third degree. 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 dogs or 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 and dogfighting.

#### Impact on county courts and animal shelters

The enhancement of penalties for dogfighting and 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 dogfighting and cockfighting cases that arise. According to Franklin County Clerk of Courts' records, there were four cases of animal fighting in 2006. According to the Attorney General's web site, the Humane Society of the United States reports that in calendar year 2007 there were 12 cases of animal fighting statewide, in which there were 56 arrests and 101 roosters and 149 dogs seized. Property and/or cash was seized in five of these cases.

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