



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Am. Sub. H.B. 108 of the 128th G.A. **Date:** December 1, 2009
Status: As Passed by the House **Sponsor:** Reps. Domenick and Blessing

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Increases the penalty for cockfighting

State Fiscal Highlights

- **Department of Rehabilitation and Correction.** It is unlikely that many new offenders convicted of cockfighting under the fifth degree would be incarcerated in state prisons. Thus, the bill is unlikely to increase Department of Rehabilitation and Correction costs substantially.
- **Victims of Crime/Reparations Fund (Fund 4020).** Enhancing the penalty for cockfighting from a fourth degree misdemeanor as it is currently to a fifth degree felony under the bill would increase the state's share of locally collected court costs deposited into the Victims of Crime/Reparations Fund (Fund 4020).

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2010 – FUTURE YEARS

County Common Pleas Courts

Revenues	Potential minimal gain in court costs and fines
Expenditures	Potential minimal increase in court costs

Municipal Courts

Revenues	Potential minimal loss in court costs and fines
Expenditures	Potential minimal decrease in court costs

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

- **County common pleas courts.** Since cockfighting violations would be felonies under the bill, these cases would be handled by county common pleas courts, not by municipal courts as is the case for various misdemeanors. As a result, there could be some additional county common pleas court costs for adjudicating these cases, offset by some small amount of court costs and fines paid by the offender.
- **Cockfighting cases.** There were 12 reported cases of animal fighting in Ohio reported to the Humane Society of the United States in calendar year 2007, only two of which involved roosters. There were no such cases reported in 2008. Although it

is unclear how many cockfighting cases are prosecuted under current law, it may be that the enhanced penalty leads to more prosecutions.

Detailed Fiscal Analysis

Overview

The bill increases the penalty for cockfighting from a misdemeanor of the fourth degree to a felony of the fifth degree on a first offense and a felony of the third degree for each subsequent offense. A fifth degree felony carries a penalty of between 6 and 12 months in prison and a fine of up to \$2,500. A third degree felony carries a penalty of between one and five years in prison and a fine of \$10,000. Additionally, the bill provides that if any equipment, devices, or other items involved in such an offense are confiscated, forfeited, and sold, or if any cash is confiscated and forfeited, the proceeds must be used to pay the costs incurred by the impounding animal shelter in caring for or euthanizing a rooster involved in the offense. Any amount remaining is to be given to a local 4-H youth program for educational purposes. The Humane Society of the United States reports that in calendar year 2007 there were two cases of cockfighting statewide, involving 56 arrests and 101 roosters. No cases were reported in 2008.

State fiscal effects

By increasing the penalty from a misdemeanor to a felony on the first offense, it is possible that a person who would not be sentenced to a prison term under current law could be under the stiffer penalty. However, in all likelihood few offenders, if any, would be sentenced to prison as a result of the enhanced penalty. If they were, any resulting increase in the Department of Rehabilitation and Correction's GRF-funded incarceration costs would be small.

In addition to any local fines and court costs, offenders can be ordered to pay locally collected state court costs. State court costs for a felony conviction total \$45. Of that amount, \$30 is credited to the Victims of Crime/Reparations Fund (Fund 4020), and \$15 is credited to the GRF. State court costs for a misdemeanor conviction total \$24, of which \$9 is credited to Fund 4020 and \$15 is credited to the GRF. Thus, under a felony conviction Fund 4020 collects an additional \$21 compared to its potential take from a misdemeanor. Any additional amounts credited to Fund 4020 would depend on the number of successfully prosecuted felony cockfighting cases and the ability of offenders to pay these costs.

Local fiscal effects

The penalty enhancement could potentially elevate a criminal case that under current law would be adjudicated as a misdemeanor in municipal court or county court to a felony case under the purview of a court of common pleas. As a rule, felony cases are more expensive to handle than misdemeanors. Thus, the bill could increase county

criminal justice system costs for investigating, prosecuting, adjudicating, and defending (if the offender is indigent) certain offenders. The bill could also generate additional court cost and fine revenue for counties, presuming any new offenders are able to pay.

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