



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 108 of the 128th G.A.

Date: May 26, 2009

Status: As Introduced

Sponsor: Reps. Domenick and Blessing

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Increases the penalty for cockfighting

State Fiscal Highlights

STATE FUND

FY 2010 – FUTURE YEARS

General Revenue Fund

Revenues	Potential negligible gain in fine revenues
Expenditures	- 0 -

Victims of Crime/Reparations Fund (Fund 4020)

Revenues	Potential negligible gain in fine revenues
Expenditures	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

- Enhancing the penalty for cockfighting would increase the fines an offender would be required to pay. This in turn would increase fine revenues deposited in the GRF and the Victims of Crime/Reparations Fund (Fund 4020).
- Although the number fluctuates yearly, there are generally few recorded cases of cockfighting statewide.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2010 – FUTURE YEARS

County Common Pleas Courts

Revenues	Potential minimal gain in fine revenues
Expenditures	Potential minimal increase in court costs

Municipal Courts

Revenues	Potential minimal loss in fine revenues
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.

- Since cockfighting violations would be felonies under the bill, these cases would be handled by county common pleas courts. As a result, there could be some

additional county common pleas court costs for adjudicating these cases, offset by some small amount of new fine revenues.

- Concurrently, there could be some loss in fine revenues for municipal courts as well as a decrease in costs for adjudicating such cases.
 - Cockfighting cases are rare. There were 12 reported cases of animal fighting committed in Ohio in calendar year 2007, only two of which involved roosters.
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Detailed Fiscal Analysis

Overview

Continuing law provides that no person may knowingly engage in or be employed at cockfighting, bearbaiting, or pitting an animal against another; no person may receive money for the admission of another to a place kept for such purpose; and no person may use, train, or possess any animal for seizing, detaining, or maltreating a domestic animal. Additionally, any person who knowingly purchases a ticket of admission to such a place, or is present thereat, or witnesses such a spectacle, is an aider and abettor. Under current law, these offenses are fourth degree misdemeanors. The bill increases the penalty for cockfighting to a felony of the fourth degree on a first offense and a felony of the third degree for each subsequent offense. Typically, a fourth degree felony carries a penalty of between 6 and 18 months in prison and a fine of \$5,000, and 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. After those costs are paid, the remaining amount is to be used for educational purposes designed to eliminate cockfighting.

Ultimately, the overall effect of the bill will depend upon the number of cockfighting cases that occur. 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, involving 56 arrests and 101 roosters.

State fiscal effects

By increasing the penalty from a misdemeanor to a felony, 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 negligible. An additional offender or two occasionally sentenced to prison would

have no noticeable fiscal effects on Ohio's prison population that, as of May 2009, exceeded 50,000 inmates.

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 the remaining \$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. The GRF thus gains \$15 under a misdemeanor or felony conviction. However, under a felony conviction, the Victims of Crime/Reparations Fund collects an additional \$21 compared to its potential take from a misdemeanor. Overall, since there would likely be few new convictions under this new felony violation, any additional revenue to Fund 4020 would likely be negligible.

Local fiscal effects

The bill's 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 would have the effect of decreasing these same costs for the municipal criminal justice system. Likewise, the bill could also generate additional court cost and fine revenues for counties, while causing a loss in court cost and fine revenues collected by municipal courts. Assuming that the cockfighting penalty in this bill is rarely prosecuted, any related variations in annual county and municipal criminal justice system expenditures and revenues are likely to be minimal.