



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 399 of the 128th G.A.

Date: March 23, 2010

Status: As Introduced

Sponsor: Rep. Bacon

Local Impact Statement Procedure Required: No — No local cost

Contents: Extends statutes governing use of service dogs by mobility impaired persons to include persons diagnosed with autism

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2010 – FUTURE YEARS

County Common Pleas Courts, Municipal Courts

Revenues

Potential gain in court cost and penalty revenues

Expenditures

Potential small increase for handling additional caseload

County Auditors

Revenues

Potential small loss in dog registration fees

Expenditures

- 0 -

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 applies existing penalty provisions for causing harm to, harassing, or stealing service dogs to service dogs used by people with autism. This could result in some small increase in court costs for either county common pleas or municipal courts. These costs would be offset by court costs and penalty revenue collected by the courts.
- As with other types of service dogs, the bill exempts individuals with autism who use service dogs or organizations that train autism service dogs from paying dog registration fees. This could either reduce dog registration fees collected by county auditors by a small amount or have little effect at all if the dogs are used in some other service capacity.

Detailed Fiscal Analysis

Background

Under current law, a service dog is a dog that has been trained to assist a "mobility impaired person." The bill expands the definition of this term to include individuals with autism. This means that people with autism who use service dogs would be entitled to (1) full use and enjoyment of public accommodations while using their service dogs and (2) protection against harm, harassment, or theft of their service dogs in the form of criminal penalties specified in current law. In addition, the bill would also exempt the owners of service dogs used by individuals diagnosed with autism, or organizations that train these dogs, from dog registration fees. Finally, the bill allows nonprofit organizations that train autism service dogs to request that impounded dogs be donated for this purpose without the payment of registration fees.

According to the Centers for Disease Control and Prevention's Autism and Developmental Disabilities Monitoring Network, there are approximately two million people in the United States that are diagnosed with autism. When basing these figures on state populations, it is estimated that Ohio has approximately 75,000 individuals diagnosed with autism. According to 4 Paws for Ability, an Ohio organization that trains service dogs for use with people with autism, the cost of training a service dog ranges from \$11,000 to \$26,000.

As mentioned previously, the bill applies the current penalty provisions for attempts to cause harm to, harass, or steal an assistance dog to service dogs used by individuals with autism. The penalty for causing harm to an assistance dog is a second degree misdemeanor and can escalate to a fourth degree felony under certain circumstances. The penalty for harassment of an assistance dog is also a second degree misdemeanor. The penalty for the theft of an assistance dog is a third degree felony. There are likely to be very few, if any, additional cases resulting from the bill. Any additional cases could result in some small increase in costs for county common pleas or municipal courts. However, these costs could be partially offset by court costs and penalty revenues collected by the courts.

Under the bill, an owner of a service dog used by a person diagnosed with autism is exempt from any fee for registration on showing proof by certificate or other means that the dog is a service dog. It is uncertain what effect, if any, this exemption would have on registration fees collected by county auditors. On the one hand, there could be a slight decrease in registration fees. On the other hand, the dogs could be used in some other service capacity, in which case registration fees are already waived under current law.