



Ohio Legislative Service Commission

Terry Steele

Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 260 of the 129th G.A.](#)

Date: November 27, 2012

Status: In House Criminal Justice

Sponsor: Rep. Derickson

Local Impact Statement Procedure Required: No

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.
- **Locally collected costs deposited in state funds.** Enhancing the penalty for cockfighting from a fourth degree misdemeanor as it is currently to either a first degree misdemeanor or 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) and the Indigent Defense Support Fund (Fund 5DY0).

Local Fiscal Highlights

- **County common pleas courts.** Since some 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 have been two reported cases of cockfighting in Ohio since calendar year 2010. 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 "knowingly engaging" in cockfighting from a misdemeanor of the fourth degree to a misdemeanor of the first degree. A first degree misdemeanor carries a penalty of up to six months in jail and a fine of up to \$1,000. The bill also prohibits a person from knowingly using or possessing with intent to use any device or substance intended to enhance a rooster's ability to fight or to inflict injury upon another rooster, wagering money or anything else of value upon the results of a cockfighting event, paying money or giving anything else of value in exchange for admission to a cockfight or be present at a cockfight, or permitting a minor to be present at a cockfight. In these cases, the bill creates a penalty of a felony of the fifth degree for a first offense and a felony of the third degree for each subsequent offense. A fifth degree felony carries a penalty of between six 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 the local law enforcement agency substantially responsible for the investigation of the offense. Although it is unclear how many cockfighting cases are prosecuted under current law, it may be that the enhanced penalty leads to more prosecutions.

State fiscal effects

By increasing some penalties 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 \$60. Of that amount, \$30 is credited to the Victims of Crime/Reparations Fund (Fund 4020), and \$30 is credited to the Indigent Defense Support Fund (Fund 5DY0). State court costs for a misdemeanor conviction total \$29, of which \$9 is credited to Fund 4020 and \$20 is credited to Fund 5DY0. Any additional amounts credited to these funds 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 in the bill 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 costs and fine revenue for counties, presuming any new offenders are able to pay.

HB0260H1 / th