



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [H.B. 243 of the 130th G.A.](#)

**Date:** October 29, 2013

**Status:** As Introduced

**Sponsor:** Reps. Slaby and Stinziano

**Local Impact Statement Procedure Required:** No

**Contents:** Companion animal protection

### State Fiscal Highlights

- The bill may generate a less than minimal annual increase in the operating costs of the Department of Rehabilitation and Correction's Adult Parole Authority to supervise a few additional felony probationers in certain counties.

### Local Fiscal Highlights

- The bill's provisions may, as a group, minimally increase the annual operating costs that county and municipal criminal, juvenile, and/or civil justice systems incur to prosecute and sanction certain violations and to issue protection orders.

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## Detailed Fiscal Analysis

### Overview

The bill makes several changes to laws pertaining to the protection of companion animals. These changes include the requirement that juveniles adjudicated as delinquent for committing cruelty to a companion animal undergo a psychological evaluation, the inclusion of protections for a companion animal within the scope of a protection order, and the requirement that a court impose a term of probation for any felony violation of the prohibition against committing cruelty to a companion animal. The changes, as a group, are not expected to result in more than minimal annual costs for the state or its political subdivisions.

### Juvenile psychological evaluations

Under current law, a court of common pleas may require psychological counseling for a violation involving cruelty to animals if the offender (juvenile or adult) is suffering from a mental or emotional disorder. The bill requires any child under 18 years of age who is adjudicated delinquent for committing cruelty to a companion animal to undergo psychological evaluation, and if appropriate, to undergo counseling. As very few violations of this kind are reported against juveniles in a given year, the bill's mandatory evaluation and counseling provision will likely have a minimal, at most, fiscal impact on courts of common pleas which oversee juvenile cases. In addition, under current law and practice, certain courts may already be imposing treatment in relation to the offender's behavior towards animals.

The bill provides that the court may order the parent, guardian, or other person having care of the child pay for the psychological evaluation and further counseling, if necessary. If the court does not issue an order to pay, or the responsible party is unable to pay for those services, the court typically has contracted mental health services to ensure such treatment is available. Other possible funding mechanisms include county public children's services agencies, if they have custody of the child, or Medicaid or another private funding source, if the child is eligible.

### Protection orders

The bill permits a court to include companion animals within the scope of a protection order. In such a case, the companion animal protections would be automatically given, so additional hearings specifically related to this issue will not need to be held by the court. By not having to hold additional hearings, the court is able to avoid creating additional operating expenses when extending these protections. The number of new cases for violating a protection order based solely on the new prohibition regarding a companion animal is likely to be very small. Any violations that are the result of physical trauma to the companion animal are likely to be prosecuted under the existing cruelty to animal law. Any violations that are the result of nonviolent

behavior are likely to include violations regarding other prohibitions, such as residential or personal distance requirements or no contact requirements granted to the petitioner. Therefore, this new protection is likely to be used as an added condition of violation pertaining to protection orders that would otherwise be pursued under current law.

### **State and local probation authorities**

The bill requires the court to impose a term of basic probation supervision or a term of intensive probation supervision for any felony violation of cruelty to a companion animal. In the matter of supervising adult offenders in the community, dependent upon the location of a given offender, probation services could be provided by the state's Adult Parole Authority or the appropriate county probation authority. The number of additional felony offenders that would be subject to either type of supervision term will be relatively small, which means that any additional supervision costs for the state or local probation authority would be minimal at most annually.