



Ohio Legislative Service Commission

Tom Wert

Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 274 of the 130th G.A.](#)

Date: November 20, 2013

Status: In House Judiciary

Sponsor: Reps. Patmon and Sears

Local Impact Statement Procedure Required: No

Contents: Revises penalties regarding the treatment of companion animals

State and Local Fiscal Highlights

- Classifying the penalty for an act of negligence or abuse that results in the death of a companion animal as a fifth degree felony may result in a minimal increase in fine revenue collected by county common pleas and municipal courts. Fifth degree felonies are punishable by fines up to \$2,500. Continuing law requires fines collected to be forwarded either to county humane societies or to the state or local law enforcement agency primarily responsible for handling these cases.
- The penalty enhancements under the bill may also result in a minimal increase in costs for county sheriffs and the Department of Rehabilitation and Correction if these penalties lead to an increase in the number of people sentenced to jail or prison. Fifth degree felonies are punishable by between six months and one year in prison.
- Overall, cases dealing with animal cruelty account for only a small proportion of law enforcement workloads and court dockets statewide. The enhanced penalties in the bill are unlikely to add substantially to these caseloads.

Detailed Fiscal Analysis

Under current law, any person who confines or who is the custodian or caretaker of a companion animal that negligently causes the animal unnecessary pain or suffering or who deprives the animal of adequate food, water, and shelter is guilty of a second degree misdemeanor for a first offense, and a first degree misdemeanor for subsequent offenses. If the person is the owner, manager, or employee of a dog kennel, a first degree misdemeanor applies with the first offense. The bill adds torturing, tormenting, or committing an act of animal cruelty to the prohibited acts and increases the penalty to a fifth degree felony if any of the prohibited acts result in the death of the animal, either directly or by euthanasia recommended by a licensed veterinarian. The bill also prohibits knowingly causing serious physical harm to a companion animal and applies a fifth degree felony in these situations. Taken together, the changes made by the bill could cause individuals who would otherwise be charged with various misdemeanor crimes against companion animals to be charged with a felony under specific circumstances. In any event, cases related to various acts of animal cruelty make up only a small proportion of the overall criminal caseload handled by law enforcement agencies and courts statewide. The potential fiscal effects of the bill are described in more detail below.

Enhancing penalties for prohibited acts that result in the death of a companion animal may result in a gain in fine revenue collected by county common pleas and municipal courts. Fifth degree felonies are punishable with fines of up to \$2,500. Continuing law requires fines collected under the statute dealing with offenses against domestic animals to be forwarded either to the county humane society to provide training for humane agents, or the state or local law enforcement agency primarily responsible for investigating and prosecuting the case. Enhancing penalties may also result in increased costs for county sheriffs or the Department of Rehabilitation and Corrections (DRC) if a conviction results in jail or prison time for the offender. Fifth degree felonies are punishable with between six months and one year in prison. Any revenue gains or increased costs would depend on the number of convictions under the bill.

While no statewide tabulation of annual animal cruelty convictions is readily available, we can estimate that number to be fewer than 400 per year based on court records from Franklin County. The Franklin County Municipal Court Annual Report provides the number of animal cruelty charges filed countywide each year. According to this source, between 2008 and 2012 the average number of charges filed annually in Franklin County for animal cruelty violations under the Revised Code was about 37. With roughly 10% of the state's population, if the rate of animal cruelty charges in Franklin County holds across all Ohio counties, then we could estimate the number of such charges filed annually to be approximately 400 statewide. However, the number of cases involving acts that result in the death of companion animals, and the number of subsequent convictions, would be considerably lower.