



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [Am. Sub. H.B. 274 of the 130th G.A.](#)      **Date:** January 9, 2014  
**Status:** As Passed by the House      **Sponsor:** Reps. Patmon and Sears

**Local Impact Statement Procedure Required:** No

**Contents:** Establishes a new prohibition against causing serious physical harm to a companion animal

### State and Local Fiscal Highlights

- Establishing the penalty for causing serious physical harm to 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 of up to \$2,500. Continuing law requires that the fines be forwarded either to county humane societies or to the state or local law enforcement agency primarily responsible for handling these cases.
- The new penalty under the bill may also result in a minimal increase in costs for county sheriffs and the Department of Rehabilitation and Correction if there is 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 new penalty in the bill is unlikely to add substantially to these caseloads.
- The bill requires that the Attorney General, Veterinary Medical Licensing Board, State Board of Pharmacy, and Ohio Veterinary Medical Association collaborate in developing ways that help veterinarians identify individuals who may be using animals to improperly secure opioids. As a result, the two boards and the Attorney General might incur some small costs for developing these resources.

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## 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 establishes a new prohibition against causing serious physical harm to a companion animal. Serious physical harm as defined by the bill includes (1) physical harm that carries a substantial risk of death, (2) physical harm that involves either partial or total permanent incapacity, (3) physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain, and (4) physical harm that results from depriving a companion animal of good, wholesome food and water that proximately causes the death of the animal. Under the bill, a person who causes serious physical harm to a companion animal is guilty of a felony of the fifth degree.

Overall, 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. In addition to the new penalty for certain acts of animal cruelty, the bill requires the Attorney General, the Veterinary Medical Licensing Board, and the Board of Pharmacy, along with the Ohio Veterinary Medical Association, to collaborate in preventing opioid abusers from using animals to secure opioids. The potential fiscal effects of the bill are described in more detail below.

### **Penalty for causing serious physical harm to a companion animal**

Establishing a new prohibition for causing serious physical harm to 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. The new penalty may also result in increased costs for county sheriffs or the Department of Rehabilitation and Correction (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.

### **Preventing opioid abusers from using animals to improperly secure opioids**

The bill requires that the Attorney General, the State Veterinary Medical Licensing Board, the State Board of Pharmacy, and the Ohio Veterinary Medical Association collaborate in developing resources and educational materials useful in assisting veterinarians identify clients who may use animals to improperly secure opioids for abuse. This could result in some new costs for the collaborating parties. Any costs that the two boards or the Attorney General might incur would depend on the role of each in developing these resources or educational materials. However, it is unlikely that any such costs would be more than minimal.