



OHIO LEGISLATIVE SERVICE COMMISSION

Terry Steele

Fiscal Note & Local Impact Statement

Bill: H.B. 352 of the 132nd G.A.

Status: As Introduced

Sponsor: Reps. Rezabek and Huffman

Local Impact Statement Procedure Required: Yes

Subject: Revises provisions on the Dogs Law governing vicious, dangerous, and nuisance dogs

State & Local Fiscal Highlights

- The bill requires all complaints of violations of the Dogs Law to be investigated. This is the primary added cost related to the bill, potentially leading to expenses of more than a few thousand dollars annually for affected political subdivisions.
- The bill revises the definitions of vicious dogs, dangerous dogs, and nuisance dogs in law and modifies various related penalties. These penalties, in some cases, increase from a misdemeanor to a felony. This would result in increased costs for courts of common pleas, while potentially reducing costs to municipal courts.
- The bill requires the owner of a dog involved in a complaint under the Dogs Law to respond to the notice within a specified period of time. Otherwise, the owner is issued a fine of either \$25 or \$40. If the owner does not respond within seven days, a court may issue a warrant for arrest of the owner. The fine revenue would be deposited into the county dog and kennel fund.

Detailed Fiscal Analysis

Overview

The bill modifies the definitions of vicious, dangerous, and nuisance dogs in the Dogs Law, as well as alters the affirmative defenses that may apply in cases involving attacks by these dogs. Please see the LSC Bill Analysis for greater detail of these definitions. The bill also establishes requirements for investigations of complaints and modifies criminal penalties. These changes would likely add costs for political subdivisions, especially the requirement to investigate complaints under the Dogs Law. The fiscal impact of these changes is detailed below.

Complaint investigation and notification requirements

The bill requires any person authorized to enforce the Dogs Law to investigate any complaint that indicates a possible violation of the law. If, after investigating the complaint, the investigator does not issue a citation, the investigator must notify the dog's owner of the complaint and investigation. The bill requires the notification to contain (1) a citation to the provisions of the law that were investigated, (2) contact

information of the investigator, and (3) a requirement that the dog's owner respond to the investigator. Under the bill, the investigator must post a notice on the door of the dwelling which the dog resides within 24 hours of the investigation. The dog's owner must respond within 48 hours via email, facsimile, telephone, or social media correspondence, that the owner has received the notice. If the owner does not respond within 48 hours or a reasonable time, a \$25 fine applies. After 96 hours, the owner must be fined \$40. If no response is given after seven days, a court may issue a warrant for the owner's arrest. Any such fine revenue is deposited into the applicable county dog and kennel fund.

Presumably, there would be an increase in costs to the applicable law enforcement organization for investigating every complaint made relating to the provisions of the bill. These added costs could possibly exceed \$1,000 annually for small political subdivisions and \$5,000 annually for larger ones, and potentially \$100,000 statewide. However, the magnitude of these increases is unclear. It is also unclear as to how much these costs would be offset through any fine revenue received for an owner's failure to respond to an official notification of a complaint against their dogs.

Criminal penalty changes

The bill revises the criminal penalties for violations of existing prohibitions for failing to (1) keep a dog physically confined or restrained on the owner's premises by a leash, tether, adequate fence, or secure enclosure to prevent escape, or (2) keep a dog under reasonable control. These penalties apply only to vicious dogs under current law. The bill then establishes four separate penalties for violations of confinement and restraint. Firstly, the bill makes it a fifth degree felony if a dog kills a person and a first degree misdemeanor if the dog seriously injures a person. Secondly, the bill makes it a fourth degree felony if a dog kills or seriously injures a person and the person in the violation has been previously sentenced for a similar violation. Thirdly, the bill makes it a first degree misdemeanor if the dog causes injury other than a serious one to a person and serious injury or death to a companion animal. Finally, the bill makes it a fifth degree felony if a dog causes injury other than a serious one to a person, and serious injury or death to a companion animal, and the person in violation has been sentenced for a similar offense previously.

The most significant potential fiscal impact of these changes would be caused by elevating the penalty that applies when a dog has seriously injured a person from a first degree misdemeanor to a fifth degree felony. In such cases, county courts of common pleas would handle these cases instead of municipal courts. Generally, felony cases are more expensive. The penalty for a fifth degree felony is a sentence of six to twelve months in prison and a fine of up to \$2,500, whereas a first degree misdemeanor carries a sentence of up to six months in jail and a fine of up to \$1,000. State court costs assessed for a felony are also higher.

The bill also contains provisions that increase the penalty for violating various requirements relating to the sale or transfer of dogs. Under current law, the penalty for any such violations is a minor misdemeanor on the first offense and fourth degree misdemeanor for any subsequent offenses. The bill increases the penalty to a fourth degree misdemeanor on the first offense and third degree misdemeanor for subsequent offenses.

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