



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** Sub. H.B. 14 of the 129th G.A.

**Date:** January 13, 2012

**Status:** As Reported by Senate Judiciary

**Sponsor:** Rep. Sears

**Local Impact Statement Procedure Required:** No

**Contents:** Removes the term "pit bull" from the definition of a vicious dog and establishes a process for the determination and handling of "nuisance," "dangerous," or "vicious" dogs

### State Fiscal Highlights

- The bill has no direct fiscal effect on the state.

### Local Fiscal Highlights

- The bill defines the terms "nuisance dog," "dangerous dog," and "vicious dog" and specifies the penalties that apply to owners who fail to comply with the confinement and other requirements that apply to these dogs under the bill. The changes could result in additional court cases involving owners of dogs under these various classifications.
- The bill also removes the term pit bull from the definition of a vicious dog. This could lead to fewer dog-related violations involving pit bulls. If so, counties and municipalities could incur lower costs for prosecuting and adjudicating such cases.
- The bill establishes a new \$50 dangerous dog registration fee to be collected by the county auditor. This registration fee is considerably higher than the regular dog registration fee, which varies from county to county. All dog registration receipts are deposited into the county dog and kennel fund.
- The bill also increases replacement dog tag and transfer of ownership fees from 25 cents to \$5 for each type of transaction. Like dog registration fees, this additional revenue will be deposited into the county dog and kennel fund.

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## Detailed Fiscal Analysis

### Overview

The bill defines the terms "nuisance dog," "dangerous dog," and "vicious dog" and specifies the penalties that apply to owners who fail to comply with the confinement and other requirements that apply to these dogs under the bill. The bill also removes the term "pit bull" from the definition of a vicious dog. Finally, the bill establishes a dangerous dog registration fee of \$50 and adjusts from 25 cents to \$5 fees that county auditors charge for replacement tags and transfer of ownership. These additional amounts will be deposited into the county dog and kennel fund and used to enforce the provisions of the bill. The potential fiscal effects of these changes are described in more detail below.

### Definitions

The bill creates a definition of "nuisance dog" and alters the current definitions of "dangerous dogs" and "vicious dogs" (see LSC analysis). The bill also alters the requirements for the confinement of dangerous dogs. In addition to altering the confinement requirements, the bill specifies the penalties for failure to contain each of these types of dogs. These penalties are listed in the table below. Taken together, it seems likely that courts will hear more dog cases as a result of these changes.

Definitions and Requirements that Apply to Certain Dogs under the Bill		
Term	Violation of Confinement Requirement	Other Conditions
Nuisance	Minor misdemeanor first offense, 4th degree misdemeanor for subsequent offenses	Register as a dangerous dog after third offense
Dangerous	Fourth degree misdemeanor first offense, 3rd degree misdemeanor for subsequent offenses	Possible order of humane euthanasia
Vicious	Fourth degree felony if the dog kills a person, 1st degree misdemeanor if the dog causes serious injury	Possible order of humane euthanasia

The bill also requires a person who has been convicted of or pleaded guilty to three violations of the confinement provisions of the bill involving the same dog and the owner, keeper, or harbinger of a dangerous or vicious dog to obtain liability insurance coverage against damage, bodily injury, or death of a person caused by the dog. Additionally, the bill requires the person to provide proof of liability insurance upon request to any law enforcement officer, county dog warden, or public health official. Failure to do so is a minor misdemeanor.

Overall, these provisions could result in higher caseloads for county or municipal courts, both for new hearings and appeals. The volume of such cases will probably fluctuate significantly from year to year. As an illustration, the Franklin County Municipal Court's 2009 annual report showed that there were 1,698 cases

dealing with dog confinement, vicious dogs, and liability insurance violations. Specifically, there were 573 cases of failure to confine a dog, 467 cases of failure to confine a vicious dog, and 658 cases related to violations of insurance for vicious dogs in that year. The total of all such cases processed in Franklin County increased to 2,156 in 2010. While the bill is likely to add to court caseloads, some of the additional costs will be offset through fine revenues and court costs assessed on these cases. The state would also receive some minimal revenue.<sup>1</sup> Additionally, the bill specifies that the owner must pay for any dogs that are confined at the county dog pound or are destroyed, potentially reducing costs that counties currently incur for housing or disposing of these animals.

### **Possession of dogs by felons**

The bill prohibits a person who has been convicted of or pleaded guilty to a felony offense of violence or a felony violation of any provision of R.C. Chapter 959. (offenses relating to domestic animals), 2923. (conspiracy, attempt, and complicity; weapons control; corrupt activity), or 2925. (drug offenses) to knowingly own, possess, have custody of, or reside in a residence with an unspayed or unneutered dog older than 12 weeks of age, or any dog that has been determined to be a "dangerous dog" for a period of three years commencing upon the date of release of the person from any period of incarceration imposed for the conviction. This provision does not apply to dogs owned prior to the effective date of this act, and does not apply to felons confined in a correctional institution. A violation of this prohibition is a first degree misdemeanor. Depending how widely these prohibitions are enforced, this could generate a considerable number of new court cases, although the number is difficult to estimate.

### **Dangerous dog registration and other fees**

The bill contains additional fees that are to be deposited into the county dog and kennel fund. Presumably, the increased revenue would be used to offset the enforcement costs attributable to the bill. The most notable of these fees is an annual \$50 dangerous dog registration fee that applies to (1) a person who has been convicted of or pleaded guilty to three confinement violations involving the same dog and (2) the owner, keeper, or harbinger of a "dangerous dog" as defined under the bill. Failure to present this registration when asked by any law enforcement officer, dog warden, or public health official under the bill is a minor misdemeanor. Depending on the number of dogs subject to dangerous dog registration under the bill, this will increase fee revenue that a county auditor collects and deposits into the dog and kennel fund during the annual dog registration process. This is because the \$50 fee under the bill is higher than any other regular dog registration fee charged currently by county auditors (dog

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<sup>1</sup> Court costs assessed by the state for misdemeanors include \$29 (\$20 deposited into the Indigent Defense Support Fund (Fund 5DYO) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020)). The \$60 felony amount is divided as follows: \$30 to Fund 5DYO and \$30 to Fund 4020.

license fees vary from county to county). The amendment also increases the costs for a transfer of ownership certificate and dog tag replacement from 25 cents to \$5. This additional revenue, like the income from regular and dangerous dog registration tag sales, is to be deposited into the dog and kennel fund.

### **Removal of pit bulls from the definition of vicious dog**

The bill removes the term "pit bull" from the definition of a vicious dog in current law. This means that, under certain circumstances, pit bull owners or keepers would no longer need to comply with requirements dealing with the transfer, confinement, restraint, and liability insurance coverage that apply to vicious dogs. Under current law, an owner or keeper who fails to comply with the confinement and restraint requirements is guilty of a fourth degree misdemeanor on a first offense and a third degree misdemeanor on each subsequent offense. Failing to obtain the liability coverage specified in law is a more serious first degree misdemeanor violation. This provision could result in a reduction in cases related to confinement of these dogs as well as the requirement to obtain liability insurance.