



Ohio Legislative Service Commission

Terry Steele

Fiscal Note & Local Impact Statement

Bill: [Sub. S.B. 310 of the 129th G.A.](#)

Date: May 23, 2012

Status: As Passed by the House

Sponsor: Sen. Balderson

Local Impact Statement Procedure Required: No

Contents: Establishes requirements governing the possession of dangerous wild animals and restricted snakes

State and Local Fiscal Highlights

- **New Department of Agriculture regulatory program.** The bill establishes a dangerous and wild animal registration and permitting program overseen by the Ohio Department of Agriculture's (ODA) Division of Animal Health.
- **Permit fees.** The bill establishes four different permits for either dangerous wild animals or restricted snakes. The permit fees established in the bill vary by the total number of dangerous wild animals possessed by the owner, and are set at \$150 and \$300 for restricted snakes.
- **Dangerous and Restricted Animal Fund.** All permit fee revenue will be deposited into the Dangerous and Restricted Animal Fund, created by the bill. The fees will be used as a source of operating revenue for the new program. Permit revenue will depend on how many owners of dangerous wild animals and restricted snakes opt to keep those animals and apply for the necessary permits under the bill.
- **Enforcement actions.** The bill grants ODA or certain designated state or local agencies the authority to take a variety of enforcement actions, including the inspection of property where dangerous wild animals and restricted snakes are kept, the quarantine or transfer of animals, and the ability to pursue civil penalties.
- **Penalties.** The bill establishes first degree misdemeanor penalties for first offenses specified in the bill and fifth degree felony penalties for subsequent violations. As a result, there could be some increased caseloads in county and municipal courts.

Detailed Fiscal Analysis

Overview

The bill prohibits a person from possessing a dangerous wild animal on or after January 1, 2014, and generally prohibits a person from acquiring, buying, selling, trading, or transferring possession or ownership of a dangerous wild animal on or after the bill's effective date. The bill also establishes a new registration and permitting process to be overseen by the Ohio Department of Agriculture (ODA) that applies to anyone who currently possesses and wishes to continue to possess animals regulated under the bill. The responsibility for overseeing these requirements falls largely on ODA's Division of Animal Health, but could also involve other state agencies, such as the State Highway Patrol, the Department of Natural Resources, the Department of Health, as well as local authorities. One difficulty in assessing the fiscal impact of the new requirements is that there appears to be no centralized and verifiable source of information concerning the number of such animals extant in Ohio. This figure will determine the scope of the regulatory program that ODA establishes under the bill. The following analysis points out the provisions of the bill that will have some fiscal effect on the state and political subdivisions.

ODA oversight – registration and permitting process

Registration

The bill requires any person who possesses a dangerous wild animal on the bill's effective date to register the animal with ODA not later than 60 days after the bill's effective date. In addition, the bill requires that any registered dangerous wild animal be implanted with a microchip at the owner's expense. As a result of these requirements, the Department could bear some new administrative burden for processing and maintaining a database of the registered wild animals.

Permitting – Dangerous and Restricted Animal Fund

The bill establishes a new permitting system consisting of four new permit types that apply to dangerous wild animals and restricted snakes. Specifically, a person that possesses a registered dangerous wild animal or restricted snake on October 1, 2013 and that wishes to continue to possess the dangerous wild animal or restricted snake after January 1, 2014 must obtain one of the following permits: (1) a wildlife shelter permit, (2) a wildlife propagation permit, (3) a restricted snake possession permit, or (4) a restricted snake propagation permit. If a person possesses at least one wild animal and one restricted snake, the bill requires the person to obtain the applicable dangerous wild animal and restricted snake permits. The permit requirements do not apply to individuals who possess certain marmosets or capuchins, a squirrel monkey, or a lemur, from the permitting requirements, although these individuals are still required to follow the registration requirements set out in the bill.

All permit and renewal revenue is to be deposited into the Dangerous and Restricted Animal Fund, created in the bill, as a source of operating revenue for the program, and for compensating the State Highway Patrol and departments of Natural Resources and Health and local shelter facilities for enforcement costs, including capturing, quarantining, transferring, or destroying a dangerous wild animal or restricted snake. The bill further permits ODA to retain \$250 of all permitting fees for permits that are denied under the bill. The four permit types are described in more detail below.

Wildlife shelter permit

Under the bill, a person that possesses a registered dangerous wild animal in Ohio on October 1, 2013 that wishes to continue to possess the dangerous wild animal on and after January 1, 2014 and does not intend to propagate the animal must obtain a wildlife shelter permit. There are three potential fees for this permit based upon the number of dangerous wild animals owned by the individual seeking the permit. The fee is \$250 if the applicant has three or fewer animals, \$500 if the applicant has between four and ten animals, and \$1,000 if the applicant has between 11 and 15 wild animals, plus an additional \$125 for each animal above 15. The applicant must also pay an annual renewal fee of the same amount.

Wildlife propagation permit

A person that possesses a registered dangerous wild animal on October 1, 2013 that wishes to continue to possess and intends to propagate the animal after January 1, 2014, solely for the purposes of a Species Survival Program (an accreditation program overseen by the Association of Zoos and Aquariums) must apply for a wildlife propagation permit. The application fee for this permit is either \$1,000 if the applicant possesses 50 or less dangerous wild animals or \$3,000 if the applicant possesses more than 50 wild animals.

Restricted snake possession permit

A person that possesses a restricted snake on January 1, 2014 and wishes to continue to possess it is required to apply for a restricted snake possession permit. The restricted snake permitting fee in the bill is \$150.

Restricted snake propagation permit

A person that possesses a registered restricted snake that wishes to continue to possess and intends to propagate, sell, trade, or transfer the snake after January 1, 2014, must apply for a restricted snake propagation permit. The application fee for this permit is \$300.

Enforcement and inspection

The bill requires that the county sheriff, chief law enforcement officer of the applicable political subdivision, and ODA's Division of Animal Health be notified any time a dangerous wild animal or restricted snake escapes confinement. The bill further

specifies that the owner of an escaped animal is responsible for reimbursing both the state and applicable political subdivisions for the cost of either catching or destroying the escaped animal. With respect to political subdivisions, such reimbursements must be collected and deposited into a special fund created by the subdivision for the purposes of enforcing the provisions of the bill. Any reimbursement due the state is to be credited to the Dangerous and Restricted Animal Fund. If necessary, the bill requires ODA to use the fund to reimburse other state agencies (the State Highway Patrol, the Department of Natural Resources, and the Department of Health), or local boards of health for any costs that they incur. The bill also specifies that if an owner is unable to pay these costs, the Director of Agriculture must certify the costs to the applicable county auditor, to be assessed as a lien on the property of the owner and collected in the same manner as other taxes.

In addition to the enforcement procedures and requirements above, the bill also specifies that municipalities have the authority to adopt and enforce ordinances which are more stringent than the requirements of the bill as it pertains to dangerous wild animals. A person that violates any such ordinance is guilty of a minor misdemeanor, with each day of continued violation constituting a separate offense. Any fines collected from these violations would be retained by the applicable municipality and would partially offset any additional costs incurred for enforcement.

Inspection authority

The bill authorizes the Director of Agriculture or a designee from one of five entities to inspect the premises where any dangerous wild animals or restricted snakes are confined. The designees may include (1) employees of ODA, (2) Natural Resources law enforcement officers, (3) employees of the Department of Health, (4) employees of a board of health, and (5) agents of a humane society appointed under the Humane Societies Law. Following inspection, the bill allows for these officials to quarantine or transfer the animals to another location if it is determined that the necessary permits do not exist or the animals are kept in conditions that violate the provisions of the bill. The person who possesses the animal is responsible for all costs of the quarantine or transfer, and if determined by a court to be in violation of the bill, the final disposition of the animal. These inspection costs would likely be at least partially offset by the permit revenue generated by the bill.

Penalties

The bill sets forth a penalty of a first degree misdemeanor for a first offense and a fifth degree felony for each subsequent offense of any prohibitions or restrictions under the bill. The penalty for a first degree misdemeanor offense is a maximum of six months in jail and a fine of \$1,000. The penalty for a fifth degree felony is between six and 12 months in prison and a fine of up to \$2,500. The establishment of these new penalties could result in an increase in caseloads for county or municipal courts, the costs of which could be partially offset through the issuance of fines and collection of court costs. In addition to any local fines and court costs, offenders can be ordered to

pay locally collected state court costs. State court costs for a misdemeanor conviction total \$29, of which \$20 is credited to the Indigent Defense Support Fund (Fund 5DY0) and \$9 is credited to the Victims of Crime/Reparations Fund (Fund 4020). State court costs for a felony conviction total \$60. Of that amount, \$30 is credited to both Fund 5DY0 and Fund 0402.

Dangerous and Restricted Animals Advisory Board

The bill creates the 17-member Dangerous and Restricted Animals Advisory Board to review all proposed and adopted rules governing the care of dangerous wild animals. Members would not be compensated for their duties, but would be reimbursed for related expenses. The bill specifies that these reimbursements are to be made from the Dangerous and Restricted Animal Fund. The Board is required to meet at least three times per year.

Dangerous Wild Animal Emergency Response Commission

The bill creates the state Dangerous Wild Animal Emergency Response Commission to develop an escaped dangerous wild animal plan for the state. The Commission consists of eight members who are not to be compensated for their duties, but are to be reimbursed for related expenses incurred with their involvement on the Commission. ODA is required to provide the necessary space and materials for the Commission to meet and perform its duties.

Dangerous wild animal county emergency response teams

The bill requires each county to establish a Dangerous Wild Animal County Emergency Response Team. Each county team is required to establish a county-wide plan which includes the procedures to be used if a dangerous wild animal escapes confinement. The plan is subject to approval by the Dangerous Wild Animal Emergency Response Commission. Because these county teams would consist of current county officials with responsibility for emergency services, this provision appears to have little fiscal impact beyond the initial cost of developing an emergency response plan.