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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 417  
136<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 417's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Reps. Plummer and Young

**Local Impact Statement Procedure Required:** No

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### Highlights

- The bill prohibits the abuse of a companion animal corpse. This new prohibition is unlikely to create more than a negligible annual increase in local and state criminal justice system expenditures or corresponding gain in related court cost and fine revenue.
- The bill's requirement that a person who is convicted of or pleads guilty to the violation undergo a psychological evaluation or counseling is likely to be cost neutral as those costs are required to be borne by the offender.
- The bill requires courts to impose mandatory fines for certain animal abuse offenses. As a result, revenues will likely increase for courts that adjudicate these cases. Revenues will vary depending on caseload.
- The Department of Agriculture (AGR) will incur some new costs for creating and administering the dangerous and vicious dog registry required under the bill. Most likely, these new IT costs would be paid from GRF appropriation line item 700401, Animal Health Programs.
- The Auditor of State will also incur some new IT costs for creating and maintaining a "Do Not Adopt" registry of persons who have misdemeanor or felony convictions for animal abuse crimes.
- County auditors could incur additional administrative costs for sharing dangerous dog registration certificate data with AGR. Additionally, the spaying and neutering requirement in the bill could cause delays in adoption, resulting in higher care and housing costs for dog pounds operated by counties, municipalities, or humane societies.

## Detailed Analysis

### Abuse of a companion animal corpse

The bill prohibits a person from knowingly treating a corpse of a companion animal in a way that would outrage reasonable community sensibilities unless authorized by law. The bill specifies that a person who violates the above prohibition is guilty of a first degree misdemeanor, which is punishable with a sentence of not more than 180 days in jail, a fine of up to \$1,000, or both. For a subsequent offense, a violation is a fifth degree felony and subject to a definite prison term of 6, 7, 8, 9, 10, 11, or 12 months; a fine of not more than \$2,500; or both.<sup>1</sup> Additionally, if a person is convicted of or pleads guilty to the violation, a court must impose a requirement that the offender undergo psychological evaluation or counseling in addition to any other criminal penalty. Under the bill, the court must order the offender to pay the costs of the evaluation or counseling.

It appears unlikely that the bill will create many, if any, new cases for local criminal justice systems to process (felony and juvenile cases are adjudicated in courts of common pleas while misdemeanors are adjudicated by municipal and county courts). That said, any new criminal case that is created as a result of violating the bill's new prohibition carries the potential to increase related local criminal justice system costs, for example, expenses related to investigating, prosecuting, adjudicating, and sanctioning the offender, as well as paying for defense counsel if the offender is indigent. The fine, court cost, and fee revenue the local jurisdictions may gain will be minimal annually.

A very small number of additional felony offenders could be sentenced to the care and custody of the Department of Rehabilitation and Correction (DRC) or to the Department of Youth Services (DYS), if the offender is a minor. Such an outcome would increase the costs of both institutions. However, it is likely that such costs would be minimal at most when compared to the current population and annual commitments for all other offenses. Additional felony convictions stemming from the bill may generate a minimal at most annual gain in state court cost revenue that is collected locally and apportioned between the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The state court costs total \$60 for a felony and is divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020. The state court costs total \$29 for a misdemeanor and is divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020. It is also important to note that collecting court costs and fines from certain offenders can be problematic due to indigence or refusal to pay.

### Mandatory sanctions for animal abuse offenses

The bill requires the courts to impose a fine of \$2,500 if a person is convicted of a misdemeanor or fifth degree felony animal abuse offense. The court must impose a financial sanction of between \$2,500 and the maximum financial sanction allowed under Ohio's sentencing law for an animal abuse offense that is a fourth degree felony. As a result, revenues

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<sup>1</sup> According to current sentencing guidelines, unless a prison term is mandatory for an offense or specification, the sentencing court has the option to either place a defendant under the court's supervision on community control with a reserved prison sentence, or to impose a prison term for the offense.

will likely increase for courts that adjudicate these cases. Revenues will vary depending on caseload. Animal abuse offenses include several types of prohibited conduct including abandonment, injuring or killing certain animals, poisoning, and cruelty. For a complete list of the included offenses, please refer to the [LSC bill analysis](#).

## **Peace officer continuing professional training**

The bill requires two hours of a peace officer's annual continuing professional training (CPT) to be dedicated to the education of Ohio laws governing animal welfare and cruelty. Under current law, a peace officer must complete at least 24 hours of continuing professional training each year. The Ohio Peace Officer Training Commission (OPOTC) currently requires eight hours of training to be completed in the specifically mandated topics set by the Commission. The remaining 16 hours of training can be completed from any combination of hours of those specifically mandated topics and additional topic categories.

As a result of the bill, ten hours would be in mandated topics instead of eight, which would result in a reduction in the number of discretionary training topics from 16 hours to 14 hours. The total number of CPT hours would remain at 24. According to OPOTC, the bill will not impact the level of reimbursement paid for the CPT of peace officers and troopers under GRF appropriation line item (ALI) 055509, Law Enforcement Training.

## **Department of Agriculture**

The Department of Agriculture (AGR) will incur minimal costs for administering a statewide dangerous and vicious dog registry and updating this information on the agency's website as required by the bill. The IT costs related to maintaining this registry would most likely be paid from GRF ALI 700401, Animal Health Programs. In particular, the registry must contain the name and address of people who have been issued a dangerous dog registration certificate from a county auditor. Consequently, county auditors will also incur new administrative costs for complying with these reporting requirements. Under the reporting process required under the bill, each county auditor is required to submit a list of the names and corresponding addresses of every such certificate holder to AGR within 90 days of the bill's effective date and on a timely basis for registration certificates issued thereafter, as well as whenever there is an address change.

## **Auditor of State**

The bill requires the Auditor of State to establish a public "Do Not Adopt" registry of persons who have been convicted of or plead guilty to an animal abuse offense. Presumably, there would be minimal new costs associated with posting this information to a dedicated page on the Auditor's website. For misdemeanor offenses, names must remain on the registry for two years. For felony convictions, names must remain listed indefinitely.

## **Local dog pounds – spaying and neutering requirements**

The bill requires a dog pound operated by a municipal corporation, a county, or a humane society to ensure that a dog has been spayed or neutered before the dog is adopted or its ownership is transferred. This could delay adoption times, resulting in increased care and housing costs for the entity responsible for the dog. Under current law, counties have varying rules regarding spaying and neutering requirements for adopted dogs. While it is common practice for dogs to be spayed or neutered prior to adopting, some municipal corporations and counties (such

as Cleveland) have laws that allow for dogs under six months old to be adopted with an agreement stating the dog be spayed or neutered at a spay and neuter clinic or at an appropriate outside animal hospital within seven days of a specified date.