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Office of Research
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Legislative Budget
Office

H.B. 247
(1_136_0758-5)
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 247's Bill Analysis](#)

Version: In House Public Safety

Primary Sponsor: Rep. K. Miller

Local Impact Statement Procedure Required: No

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Highlights

- The bill creates a \$100 annual registration fee for vicious or dangerous dogs, paid to the county auditor and deposited into county dog and kennel funds. This annual fee is in addition to the existing dog registration fees paid to county auditors.
- The bill requires that dogs, in the process of a hearing, be kept at a county kennel. This expense is paid for by the owner unless the dog is found to not be dangerous or vicious.
- Counties will incur additional costs if the bill leads to additional work for dog wardens and kennel staff. Counties that do not have sufficient kennel space currently may be required to build out more kennel space.
- The bill may increase or impact existing criminal cases for local criminal justice systems to adjudicate. If additional offenders are convicted, some number may be sentenced to incarceration either in a county jail or state prison. Fine and court cost revenue may offset some of these costs, at least in part.

Detailed Analysis

Overview

The bill broadens the definitions of nuisance, dangerous, and vicious dogs. It requires owners of dangerous or vicious dogs to register their dogs with the county auditor and pay a \$100 annual fee, paid into the county's dog and kennel fund. Overall, the bill will result in increased costs for county dog wardens associated with monitoring, identifying, and keeping of these dogs.

The bill increases existing criminal penalties for the owners, harborers, or caretakers of dogs involved in vicious, dangerous, or nuisance activities. The bill may increase or impact existing

criminal cases for local criminal justice systems to adjudicate. If additional offenders are convicted, some number may be sentenced to incarceration either in a county jail or state prison. Fine and court cost revenue may offset some of these costs, at least in part. Additionally, there could be an increase in the number of dog designation hearings.

Fiscal impact

County dog warden and kennel operations

The bill redefines what constitutes a nuisance, dangerous, and vicious dog; more details on these changes can be found in the [LSC bill analysis](#). With these new definitions, more dogs are likely to fall into one of these categories, resulting in increased expenses associated with regulating these animals.

The bill requires that a vicious or dangerous dog be registered with the county auditor, and also retains the requirement for the dog to be registered with the county auditor. To register such a dog, the owner must provide its medical records and pay an annual \$100 fee. This would be in addition to the registration fees paid to county auditors required under current law and which vary by county. These fees would be deposited into the county dog and kennel fund. The bill exempts nonprofit animal shelters from the process of registering vicious or dangerous dogs, as well as from paying the fee.

Additionally, the bill requires that the dog wear a tag identifying it as vicious or dangerous. According to conversations LBO has had with counties, the cost to produce one of these tags is approximately 18¢. It is currently unknown how many tags each county will need to produce.

The bill also stipulates that if a dog warden determines a dog must be removed for safety reasons, the dog must then be housed in the county kennel. During court proceedings, the owner is responsible for covering the cost of the kennel. However, if the dog is ultimately found to have been wrongfully removed, the county bears the cost.

Due to the expanded definitions, the bill could result in an increased number of dogs being kept in county custody. Depending on the number, a county may hire additional staff, ask staff to work extra hours, or build new kennel space. The costs resulting from the increased demand can vary depending on each county's kennel capacity and infrastructure. The increased revenue from the newly created registration fee will help pay for some or all these new expenses.

Criminal justice systems

The bill makes several changes to criminal offenses generally involving dogs as well as several definitional changes which could impact the manner in which certain criminal cases involving dogs and their owners could be adjudicated. Specifically, these definitional changes pertain to dogs characterized as a "nuisance," "dangerous," or "vicious." As a result, it is possible that more dogs may be classified as such which could lead to some number of additional convictions for owners who fail to comply with the bill's requirements. For more detailed information on the penalty changes in the bill and descriptions of the offenses, please see the [LSC bill analysis](#).

Most notably, the bill imposes criminal penalties on a dog owner if the dog owner fails to comply with certain ownership duties including the wearing of tags, securely confining the dog, and complying with registration and certain insurance requirements. Any violation of these

provisions is a strict liability, offense meaning the offense only needs to be proven to have happened, not that there was a provable mental state associated with the offense itself.

The bill also creates new categories of offenses related to negligently failing to keep a dog from committing, without provocation, a “nuisance dog act,” “dangerous dog act,” or “vicious dog act,” including in circumstances in which the dog has not previously engaged in such an act. Generally, offenses related to a violation of any of the bill’s prohibitions range from a minor misdemeanor to a third degree felony. Those convicted of any of these offenses could be sentenced to a term in jail (local expense) or imprisonment (state expense). The table below outlines the most notable criminal prohibitions included in the bill and the sentencing guidelines for each.

H.B. 247 Offenses		
Offense Level	Fine	Term of Incarceration
Nuisance dog act		
Misdemeanor 4 th degree (1 st offense)	Up to \$250	Jail, not more than 30 days
Misdemeanor 3 rd degree (subsequent offense)	Up to \$500	Jail, not more than 60 days
Dangerous dog act		
Misdemeanor 4 th degree (1 st offense)	Up to \$250	Jail, not more than 30 days
Misdemeanor 3 rd degree (subsequent offense)	Up to \$500	Jail, not more than 60 days
Felony 5 th degree*	Up to \$2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term
Vicious dog act		
Misdemeanor 3 rd degree (1 st offense)	Up to \$500	Jail, not more than 60 days
Misdemeanor 2 nd degree (subsequent offense)	Up to \$750	Jail, not more than 90 days
Felony 3 rd degree**	Up to \$10,000	9, 12, 18, 24, 30, or 36 months definite prison term

*If the dog owner negligently fails to prevent the dog from committing a dangerous dog act, the dog is a dangerous or vicious dog (meaning it has previously committed an act to warrant such designation), and the dangerous dog act injures a person.

**If the dog owner negligently fails to prevent the dog from committing a vicious dog act, the dog is a dangerous or vicious dog (meaning it has previously committed an act to warrant such designation), and the vicious dog act seriously injures or kills a person.

Because the bill largely increases penalties for existing offenses, or clarifies the prohibited behavior, there would not be a significant increase to costs for the courts. Municipal and county courts, who have jurisdiction over misdemeanors, will likely experience the most impact as most

cases will likely be charged as misdemeanors. Courts of common pleas, which have jurisdiction over felonies, would be impacted to a lesser extent. If cases become easier to investigate and prosecute and ultimately lead to more convictions, some number of additional offenders could be sentenced to either jail or prison. The bill also creates a process in which the court that has jurisdiction over the location where the offense happens holds a hearing to determine the nature of a dog.

Costs may be offset to some degree by the collection of fines, and court costs and fees imposed by the court. Fines are generally credited to a county's general fund, while local court costs and fees can be deposited for a mix of general and special purposes. For felonies, state court costs are \$60 and credited as follows: \$30 to the Indigent Defense Support Fund (Fund 5DY0) and \$30 to the Victims of Crime/Reparations Fund (Fund 4020). For misdemeanors, state court costs are \$29 and credited as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020. If additional offenders are sentenced to a term of incarceration, there may be a marginal annual increase in state and local incarceration expenditures.

According to the Department of Rehabilitation and Correction (DRC), the FY 2024 average marginal cost to house an additional offender was \$13.47 per day or \$4,917 per year. Marginal costs, as defined by DRC, are those that increase or decrease directly on a per-person basis with changes in prison population. The average cost per bed for full-service jails is \$93.70. However, for lower level felonies, there is generally a presumption that offenders would be subjected to community sanctions, which is generally a less costly alternative, rather than institutional incarceration.

Synopsis of Fiscal Effect Changes

The substitute bill (I_136_0758-5) increases, from \$50 to \$100, the additional annual registration fee for dangerous and vicious dogs, with the fee going to the county auditor instead of the county dog warden as under the As Introduced bill.

The substitute bill makes changes to several of the criminal offenses that were part of the As Introduced version of the bill. The net effect of these changes is that certain cases may be easier to prosecute, leading to more successful convictions and in some instances, some offenders may be subjected to longer jail terms. Most notably the bill:

- Changes the mental culpability for many misdemeanors (e.g., certain ownership duties including the wearing of tags, securely confining the dog, and complying with registration and certain insurance requirements). Any violation of these provisions is a strict liability offense, meaning the offense only needs to be proven to have happened, not that there was a provable mental state associated with the offense itself. This change may make certain cases easier to prosecute and require less time to adjudicate.
- Increases the penalty for a nuisance dog running at large from a minor misdemeanor for the first offense and fourth degree misdemeanor for each subsequent offense, to a fourth degree misdemeanor for the first offense, and a third degree misdemeanor for each subsequent offense. This change may result in longer jail sentences at the expense of county jails.

- Mandates that owners of dangerous or vicious dogs must obtain at least \$100,000 in liability insurance, instead of leaving this mandate up to a court order. Failure to obtain liability insurance under these circumstances is a fourth degree misdemeanor.