



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 447 of the 131st G.A.

Date: May 16, 2016

Status: As Reported by House State Government

Sponsor: Reps. Schuring and Slesnick

Local Impact Statement Procedure Required: No

Contents: Intentional killing of a police dog

State Fiscal Highlights

- The Department of Rehabilitation and Correction's GRF-funded incarceration costs may minimally increase, as in any given year an extremely small number of additional felony offenders could be sentenced to a prison term, or sentenced to a longer term than might otherwise have been the case under current law and sentencing practices.

Local Fiscal Highlights

- The bill will not result in any discernible additional operating expenses for county criminal justice systems. This is because: (1) causing the death of a police dog is already a felony offense under current law, and (2) the number of felony cases involving the killing of a police dog is extremely small.

Detailed Fiscal Analysis

The bill prohibits a person from intentionally killing a police dog in the line of duty, a violation of which is a first degree felony. Under the bill, it is possible that some offenders who would have been convicted under current law for the death of the dog will be more seriously sanctioned. The bill will not create new cases for county criminal justice systems to process or adjudicate as the circumstance addressed is already felonious conduct. Continuing law prohibits a person from engaging in conduct that causes the death of the dog, a violation of which is a third degree felony. It is also very likely that the death of the dog will occur under circumstances where other criminal charges will be filed against the offender(s).

As result of the bill's elevated penalty, violations of the bill's prohibition could result in an extremely small number of additional offenders being sentenced to prison, or sentenced for a longer term than might otherwise have been the case under current law and sentencing practices. The Department of Rehabilitation and Correction's (DRC) marginal cost of adding a relatively small number of offenders to the prison system runs between \$3,000 and \$4,000 per offender per year.

The table below summarizes current law's penalty structure relative to the possible fine and term of incarceration for felonies of the third and first degree involving the death or intentional killing of the dog, respectively. A third degree felony offense does not carry a presumption for or against the imposition of a prison term, while a first degree felony carries a presumed definite prison term of between three to 11 years.

The bill only applies in circumstances where a person purposely causes death and knows or should know at the time of the violation that the dog is a police dog. In addition, police dog fatalities in the line of duty are rare. In Ohio, there was one fatality in 2015 and one to date in 2016. For the reasons noted above, extremely few offenders are likely to be charged with, and convicted of, violating the bill's prohibition and subsequently sentenced to a prison term for a first degree felony. Thus, any additional annual operating costs incurred by DRC or county criminal justice systems as result of the bill will be minimal at most.

Sentences and Fines for Offenses Involving Death of a Police Dog			
Offense	Offense Level	Possible Fine	Possible Term of Incarceration
Assault death	3rd Degree Felony	Up to \$10,000	1, 2, 3, 4, or 5 years definite prison
Intentionally killing	1st Degree Felony	Up to \$20,000	3, 4, 5, 6, 7, 8, 9, 10, or 11 years definite prison