



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: H.B. 349 of the 132nd G.A.
(L_132_0294-1)

Status: In House Criminal Justice

Sponsor: Rep. LaTourette

Local Impact Statement Procedure Required: No

Subject: Assaulting or harassing a search and rescue dog or horse

State Fiscal Highlights

- As a result of a relatively small statewide increase in the number of felony convictions, there may be a minimal annual increase in the Department of Rehabilitation and Correction's GRF-funded incarceration costs.
- Violations of the bill's expanded prohibitions may generate a negligible amount of annual revenue, in the form of state court costs, may be collected locally and forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

Local Fiscal Highlights

- The bill may create at most a few new criminal matters for county and municipal criminal justice systems to process annually. The associated costs, including sanctions, will be minimal annually, and may be offset to some degree by the collection of court costs and fees and fines.
- It is possible that certain misdemeanor animal cruelty cases involving search and rescue dogs or horses would instead be charged as a felony. As a result, there could be a shift in costs and revenues from municipal criminal justice systems to county criminal justice systems. The net annual fiscal effect on municipal and county criminal justice systems will be minimal, as this possible case shifting will be relatively infrequent.

Detailed Fiscal Analysis

The bill expands the offenses of assaulting or harassing a police dog or horse to include search and rescue dogs and horses. This expansion may affect local criminal justice systems in two ways:

- First, certain conduct that may or may not be illegal, or more difficult to prosecute, under current law will become somewhat easier to prosecute. This outcome could result in a few additional offenders serving a term of

incarceration either in a local jail or state prison, depending on the level of the offense.

- Second, the bill may, in some cases, function as a penalty enhancement, as certain misdemeanor animal cruelty cases of search and rescue animals can instead be charged as a fourth or third degree felony. This situation would shift a small number such cases, and related revenues and expenditures, from municipal to common pleas courts. Under this circumstance, certain offenders who may have been sentenced to a jail term under current law could be instead prison-bound. Overall, as the expanded offense is expected to apply to a few cases a year, the net annual effect on a local criminal justice system will be no more than minimal.

The bill's expanded prohibitions will in all likelihood create few additional criminal actions or proceedings for county criminal justice systems to process, but may affect the time and effort required to resolve such matters. Subsequent to a conviction, the court generally imposes court costs and fees and a fine to be paid by the offender, and if collected, deposits it in the county treasury. Given the number of cases in which a violation of the bill's prohibition might apply appears likely to be small, the amount of additional court cost and fee and fine revenues that counties may actually collect annually is likely to be no more than minimal.

Both of the outcomes described in the dot points immediately above could result in a small number of additional offenders being sentenced to prison than might otherwise have been the case under current law and sentencing practices. The Department of Rehabilitation and Correction's (DRC's) marginal cost of adding a relatively small number of offenders to the prison system is between \$3,000 and \$4,000 per offender per year. Any additional annual operating costs incurred by DRC as result of the bill will be minimal at most.

A few additional convictions may generate a negligible annual amount of state court cost revenue that is collected locally and forwarded for crediting to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). The state costs total \$60 for a felony and \$29 for a misdemeanor. The \$60 felony amount is divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020. The \$29 misdemeanor amount is divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020. However, it is important to note that collecting court costs and fines from certain offenders can be problematic, especially in light of the fact that many are unable or unwilling to pay.

The table below summarizes current law's penalty structure relative to the possible fine and term of incarceration for assaulting or harassing a police dog or horse. The bill sets the penalties for assaulting or harassing a search and rescue dog or horse at the same level.

Sentences and Fines for Offenses Involving Assault or Harassment of a Police Dog or Horse			
Offense	Offense Level	Possible Fine	Possible Term of Incarceration
Assault or harassment	2nd Degree Misdemeanor	Up to \$750	Jail, not more than 90 days
Assault or harassment results in physical harm	1st Degree Misdemeanor	Up to \$1,000	Jail, not more than 180 days
Assault or harassment results in serious physical harm	4th Degree Felony	Up to \$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 months' definite prison term
Assault or harassment results in death	3rd Degree Felony	Up to \$10,000	1, 2, 3, 4, 5 years' definite prison term

Synopsis of Fiscal Effect Changes

The As Introduced version of the bill increased the penalties for assaulting or harassing a police dog or horse, and included search and rescue dogs and horses in those prohibitions. The substitute version (L_132_0294-1) restores the existing penalties for assaulting or harassing a police dog or horse, and expands those prohibitions to include search and rescue dogs and horses. This means that under the As Introduced version, offenders would have been subject to a longer prison term than will be the case under the substitute version. Therefore, any potential increase in DRC's annual incarceration costs will be lower than likely would have been the case under the As Introduced version.