

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6415

BILL NUMBER: HB 1115

NOTE PREPARED: May 4, 2007

BILL AMENDED: Apr 29, 2007

SUBJECT: Stray Dogs.

FIRST AUTHOR: Rep. Duncan

FIRST SPONSOR: Sen. Steele

BILL STATUS: Enrolled

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Stray Dogs:* The bill provides that an owner of a dog commits a Class D infraction if the owner of the dog allows the dog to stray beyond the owner's premises, unless the dog is under the reasonable control of an individual or the dog is engaged in lawful hunting and accompanied by the owner or a custodian of the dog. The bill also makes the offense a Class C infraction if the owner has a prior judgment for a violation, and provides that the offense does not apply to a nonaggressive dog that goes beyond the owner's premises onto agricultural or forested land.

Hybrid Dogs: The bill defines coydog (a coyote-dog hybrid) and wolf hybrid, and makes it a Class B infraction if the owner of the coydog or wolf hybrid does not keep the animal in a secure enclosure or on a leash under the control of an individual. If the owner knowingly or intentionally fails to comply with the secure enclosure or leash requirements, it is:

- (1) a Class B misdemeanor if the wolf hybrid or coydog causes damage to livestock or personal property;
- (2) a Class A misdemeanor if the owner has one prior unrelated conviction for a violation of the secure enclosure or leash provision;
- (3) a Class D felony if the owner has more than one prior unrelated conviction for a violation of the secure enclosure or leash provision, or if the owner's failure to comply results in serious bodily injury to a person; and
- (4) a Class C felony if the failure to comply results in the death of a person.

The bill permits a unit to prohibit the possession of a coydog or wolf hybrid, to impose more stringent conditions on the possession of a wolf hybrid or coy dog, and to provide an increased (civil) penalty for a violation of the secure enclosure or leash provisions.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Hybrid Dogs:* There are no data available to indicate how many offenders may be convicted of the Class D or Class C felony created under the bill. These felonies apply when serious bodily injury (Class D felony) or death (Class C felony) occurs as the result of an owner of a wolf hybrid or a coydog recklessly, knowingly, or intentionally failing to secure or keep reasonable control of the animal. The Class D felony also applies when an owner has a previous unrelated conviction.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from 2 to 8 years. The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,139. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months, and for all Class C felony offenders is approximately two years.

Explanation of State Revenues: *Hybrid Dogs:* The bill creates a Class B infraction for owners of wolf hybrids or coydogs who fail to secure or control the animal. If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund.

It also creates a Class B misdemeanor if the owner of a wolf hybrid or coydog recklessly, knowingly, or intentionally fails to secure or control the animal and it enters someone else's property and damages livestock or another person's property. The offense is increased to a Class A misdemeanor if the owner has a prior unrelated conviction. The maximum fine for a Class B misdemeanor is \$1,000 and the maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

For the felony offenses, if additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D or a Class C felony is \$10,000. Criminal fines are deposited in the Common School Fund.

Stray Dogs: The bill creates a Class D infraction if a dog owner allows the dog to stray beyond the owner's premises. However, an owner with a prior offense would face a Class C infraction. If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class D infraction is \$25, and the maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

Hybrid Dogs and Stray dogs: If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some

or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Hybrid Dogs:* For felony offenses, if more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase.

A Class B misdemeanor is punishable by up to 180 days in jail and a Class A misdemeanor is punishable by up to one year in jail. The average cost per day is approximately \$44.

Also, if local units chose to adopt ordinances that impose a penalty greater than the penalty for a Class B infraction, the penalty could be retained at the local unit. Ultimate fiscal impact will depend on the actions of the local units and the actions of hybrid dog owners.

Explanation of Local Revenues: *Hybrid Dogs and Stray Dogs:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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