Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Am. Sub. S.B. 177 of the 130th G.A. **Date**: December 10, 2014

Status: As Passed by the House **Sponsor**: Sens. Skindell and Hughes

Local Impact Statement Procedure Required: No

Contents: Protection of companion animals in protection orders

State Fiscal Highlights

- **Civil case filing fees**. The bill's additional civil case filing fees could generate as much as $1.6 million annually for deposit in the state treasury, with $1.5 million of that amount deposited in the Legal Aid Fund (Fund 5740) and around $62,000 deposited in the Civil Case Filing Fee Fund (Fund 5CX0).

Local Fiscal Highlights

- **Protection orders**. The bill may result in a minimal increase in the annual operating costs incurred by county and municipal justice systems to prosecute and sanction criminal violations and issue protection orders.
- **Civil case filing fees**. Clerks of the court of common pleas will be required to collect additional civil case filing fees for the state, and permitted to retain up to 1% of the amount collected for their administrative expenses. The amount that could be retained statewide is estimated at around $16,000.

Detailed Fiscal Analysis

Protection orders

The bill permits a court to include protections for a companion animal within the scope of a protection order. In such a case, the companion animal protections will be automatically given, so additional hearings specifically related to this issue will not need to be held by the court.

The number of new cases for violating a protection order based solely on the new prohibition regarding a companion animal is likely to be very small. Any violations that are the result of physical trauma to the companion animal could presumably be prosecuted under the cruelty to animal statutes under current law. Any violations that are the result of nonviolent behavior are likely to include violations regarding other

prohibitions, such as residential or personal distance requirements or no contact requirements granted to the petitioner. Therefore, this new protection is likely to be used as an added condition of violation pertaining to protection orders that would otherwise be pursued under current law.

Civil action filing fees

The bill: (1) removes exemptions from an existing additional $26 filing fee for proceedings in courts of common pleas concerning annulments, divorces, legal separation, spousal support, marital property or separate property distributions, support, or other domestic relations matters, and (2) requires an additional $15 filing fee for proceedings in the juvenile division of the court of common pleas involving custody, visitation, and parentage actions.

Annual reports issued by the Supreme Court of Ohio indicate that the filing trends for these types of proceedings have remained relatively stable in recent years. For calendar year 2013, LSC fiscal staff estimates that as many as 47,384 filings may have been exempted from the $26 filing fee and 23,019 filings may have been subject to the bill's $15 filing fee. If the bill's additional filing fees had been in effect at that time, and collected in all of the applicable proceedings, a total of nearly $1.6 million would have been collected statewide.

Under current law, that estimated total of $1.6 million would have been distributed as follows:

- Up to 1%, or $15,773, would have been retained to cover administrative expenses of the clerk of the court of common pleas incurred in the collection and distribution of the filing fee.
- The remainder would have been transmitted to the state with 96%, or $1,499,036, being deposited in the Legal Aid Fund (Fund 5740) and 4%, or $62,460, being deposited in the Civil Case Filing Fee Fund (Fund 5CX0).[1]

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[1] Fund 5740 is used to support operations of the Ohio Legal Assistance Foundation (OLAF), which is a nonprofit entity charged with administering funds for Ohio's legal aid societies. Fund 5CX0 is used for operating expenses for the Office of the State Public Defender.