

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6728**  
**BILL NUMBER:** HB 1882

**NOTE PREPARED:** Feb 27, 2003  
**BILL AMENDED:** Feb 26, 2003

**SUBJECT:** Dog Attacks.

**FIRST AUTHOR:** Rep. Pierce  
**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill specifies that a dog owner may be held civilly liable if the owner's dog attacks someone, even if the attack occurs on the dog owner's property. It provides that the owner of a dog that attacks another person may be criminally liable for failing to reasonably restrain the dog, even if the dog attack occurs on the dog owner's property.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** (Revised) Under current law, a dog attack on property not belonging to the dog owner is a Class C misdemeanor if the dog owner recklessly, knowingly, or intentionally fails to restrain the dog. Under this bill, the owner could be held responsible for a dog attack on the dog owner's property if the victim was required to enter the property by state or federal law or regulation or by postal regulation.

The bill establishes the following penalties depending on the degree of injury:

<b>Proposed Criminal Sanctions When a Dog Injures Persons Required or Authorized By State or Federal Law to Enter Private Property</b>			
<b><u>Proposed Offense</u></b>	<b><u>Penalty</u></b>	<b><u>Maximum Incarceration</u></b>	<b><u>Maximum Criminal Fine</u></b>
unprovoked bite	Class C misdemeanor	up to 60 days in county jail	\$500
unprovoked bite with one prior conviction	Class B misdemeanor	up to 180 days in county jail	\$1,000
serious bodily injury or more than one prior conviction	Class A misdemeanor	up to one year in county jail	\$5,000
recklessly violating statute and victim of attack dies	Class D felony	6 months to 3 years or reduction to Class A misdemeanor	\$10,000
knowingly or intentionally violating statute and victim of attack dies	Class C felony	two to eight years in state prison	\$10,000

The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner.

**Explanation of State Revenues:** Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court 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.

**Explanation of Local Expenditures:** The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 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. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

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

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852