

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 351

Representative Young, T.

Cosponsors: Representatives Brennan, Carruthers

A BILL

To amend sections 959.131 and 959.99 of the Revised Code to prohibit the abuse of a companion animal corpse. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 959.131 and 959.99 of the Revised Code be amended to read as follows: 4
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Sec. 959.131. (A) As used in this section: 6

(1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in section 956.01 of the Revised Code. "Companion animal" does not include livestock or any wild animal. 7
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(2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code. 12
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(3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation. 14
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(4) "Practice of veterinary medicine" has the same meaning 17

as in section 4741.01 of the Revised Code.	18
(5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code.	19 20
(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.	21 22 23 24 25 26 27 28
(7) "Dog kennel" means an animal rescue for dogs, a boarding kennel, or a training kennel.	29 30
(8) "Boarding kennel" and "animal rescue for dogs" have the same meanings as in section 956.01 of the Revised Code.	31 32
(9) "Training kennel" means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.	33 34 35
(10) "Livestock" means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.	36 37 38 39 40
(11) "Captive white-tailed deer" has the same meaning as in section 1531.01 of the Revised Code.	41 42
(12) "Serious physical harm" means any of the following:	43
(a) Physical harm that carries an unnecessary or unjustifiable substantial risk of death;	44 45

(b) Physical harm that involves either partial or total permanent incapacity;	46 47
(c) Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain.	48 49 50
(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.	51 52 53
(C) No person shall knowingly cause serious physical harm to a companion animal.	54 55
(D) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:	56 57 58
(1) Torture, torment, or commit an act of cruelty against the companion animal;	59 60
(2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;	61 62 63 64 65 66
(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.	67 68 69 70 71 72
(E) No person who confines or who is the custodian or	73

caretaker of a companion animal shall recklessly deprive the 74
companion animal of necessary sustenance or confine the 75
companion animal without supplying it during the confinement 76
with sufficient quantities of good, wholesome food and water. 77

(F) No owner, manager, or employee of a dog kennel who 78
confines or is the custodian or caretaker of a companion animal 79
shall knowingly do any of the following: 80

(1) Torture, torment, needlessly mutilate or maim, cruelly 81
beat, poison, needlessly kill, or commit an act of cruelty 82
against the companion animal; 83

(2) Deprive the companion animal of necessary sustenance 84
or confine the companion animal without supplying it during the 85
confinement with sufficient quantities of good, wholesome food 86
and water if it is reasonably expected that the companion animal 87
would die or experience unnecessary or unjustifiable pain or 88
suffering as a result of the deprivation or confinement; 89

(3) Impound or confine the companion animal without 90
affording it, during the impoundment or confinement, with access 91
to shelter from heat, cold, wind, rain, snow, or excessive 92
direct sunlight if it is reasonably expected that the companion 93
animal would die or experience unnecessary or unjustifiable pain 94
or suffering as a result of or due to the lack of adequate 95
shelter. 96

(G) No owner, manager, or employee of a dog kennel who 97
confines or is the custodian or caretaker of a companion animal 98
shall negligently do any of the following: 99

(1) Torture, torment, or commit an act of cruelty against 100
the companion animal; 101

(2) Deprive the companion animal of necessary sustenance 102

or confine the companion animal without supplying it during the 103
confinement with sufficient quantities of good, wholesome food 104
and water if it can reasonably be expected that the companion 105
animal would become sick or suffer in any other way as a result 106
of or due to the deprivation or confinement; 107

(3) Impound or confine the companion animal without 108
affording it, during the impoundment or confinement, with access 109
to shelter from heat, cold, wind, rain, snow, or excessive 110
direct sunlight if it can reasonably be expected that the 111
companion animal would become sick or suffer in any other way as 112
a result of or due to the lack of adequate shelter. 113

(H) No person, except as authorized by law, shall 114
knowingly treat a companion animal corpse in a way that would 115
outrage reasonable community sensibilities. 116

(I) Divisions (B), (C), (D), (E), (F), and (G) to (H) of 117
this section do not apply to any of the following: 118

(1) A companion animal used in scientific research 119
conducted by an institution in accordance with the federal 120
animal welfare act and related regulations; 121

(2) The lawful practice of veterinary medicine by a person 122
who has been issued a license, temporary permit, or registration 123
certificate to do so under Chapter 4741. of the Revised Code; 124

(3) Dogs being used or intended for use for hunting or 125
field trial purposes, provided that the dogs are being treated 126
in accordance with usual and commonly accepted practices for the 127
care of hunting dogs; 128

(4) The use of common training devices, if the companion 129
animal is being treated in accordance with usual and commonly 130
accepted practices for the training of animals; 131

(5) The administering of medicine to a companion animal 132
that was properly prescribed by a person who has been issued a 133
license, temporary permit, or registration certificate under 134
Chapter 4741. of the Revised Code. 135

~~(I)~~ (J) Notwithstanding any section of the Revised Code 136
that otherwise provides for the distribution of fine moneys, the 137
clerk of court shall forward all fines the clerk collects that 138
are so imposed for any violation of this section to the 139
treasurer of the political subdivision or the state, whose 140
county humane society or law enforcement agency is to be paid 141
the fine money as determined under this division. The treasurer 142
to whom the fines are forwarded shall pay the fine moneys to the 143
county humane society or the county, township, municipal 144
corporation, or state law enforcement agency in this state that 145
primarily was responsible for or involved in the investigation 146
and prosecution of the violation. If a county humane society 147
receives any fine moneys under this division, the county humane 148
society shall use the fine moneys either to provide the training 149
that is required for humane society agents under section 150
1717.061 of the Revised Code or to provide additional training 151
for humane society agents. 152

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 153
of the Revised Code is guilty of a minor misdemeanor. 154

(B) Except as otherwise provided in this division, whoever 155
violates section 959.02 of the Revised Code is guilty of a 156
misdemeanor of the second degree. If the value of the animal 157
killed or the injury done amounts to three hundred dollars or 158
more, whoever violates section 959.02 of the Revised Code is 159
guilty of a misdemeanor of the first degree. 160

(C) Whoever violates section 959.03, 959.06, division (C) 161

of section 959.09, 959.12, or 959.17 or division (A) of section 162
959.15 of the Revised Code is guilty of a misdemeanor of the 163
fourth degree. 164

(D) Whoever violates division (A) of section 959.13 or 165
section 959.21 of the Revised Code is guilty of a misdemeanor of 166
the second degree. In addition, the court may order the offender 167
to forfeit the animal or livestock and may provide for its 168
disposition, including, but not limited to, the sale of the 169
animal or livestock. If an animal or livestock is forfeited and 170
sold pursuant to this division, the proceeds from the sale first 171
shall be applied to pay the expenses incurred with regard to the 172
care of the animal from the time it was taken from the custody 173
of the former owner. The balance of the proceeds from the sale, 174
if any, shall be paid to the former owner of the animal. 175

(E) (1) Whoever violates division (B) or (E) of section 176
959.131 of the Revised Code is guilty of a misdemeanor of the 177
first degree on a first offense and a felony of the fifth degree 178
on each subsequent offense. 179

(2) Whoever violates division (C) of section 959.131 of 180
the Revised Code is guilty of a felony of the fifth degree. 181

(3) Whoever violates section 959.01 of the Revised Code or 182
division (D) of section 959.131 of the Revised Code is guilty of 183
a misdemeanor of the second degree on a first offense and a 184
misdemeanor of the first degree on each subsequent offense. 185

(4) Whoever violates division (F) of section 959.131 of 186
the Revised Code is guilty of a felony of the fifth degree. 187

(5) Whoever violates division (G) of section 959.131 of 188
the Revised Code is guilty of a misdemeanor of the first degree. 189

~~(6) (a)~~ (6) Whoever violates division (H) of section 190

959.131 of the Revised Code is guilty of a felony of the fifth degree. In addition, if a person is convicted of or pleads guilty to such a violation, the court shall impose a requirement that the offender undergo psychological evaluation or counseling in addition to any other criminal penalty. The court shall order the offender to pay the costs of the evaluation or counseling.

(7)(a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads guilty to a violation of division (A) of section 959.13 or section 959.131 of the Revised Code to reimburse an impounding agency for the reasonable and necessary costs incurred by the agency for the care of an animal or livestock that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code.

~~(7)~~ (8) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 or 959.21 of the Revised Code has a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

(F) Whoever violates section 959.14 of the Revised Code is 221
guilty of a misdemeanor of the second degree on a first offense 222
and a misdemeanor of the first degree on each subsequent 223
offense. 224

(G) Whoever violates section 959.05 or 959.20 of the 225
Revised Code is guilty of a misdemeanor of the first degree. 226

(H) Whoever violates section 959.16 of the Revised Code is 227
guilty of a felony of the fourth degree for a first offense and 228
a felony of the third degree on each subsequent offense. 229

(I) Whoever violates division (B) or (C) of section 959.15 230
of the Revised Code is guilty of a felony and shall be fined not 231
more than ten thousand dollars. 232

Section 2. That existing sections 959.131 and 959.99 of 233
the Revised Code are hereby repealed. 234

Section 3. Section 959.99 of the Revised Code is presented 235
in this act as a composite of the section as amended by both 236
H.B. 281 and S.B. 164 of the 134th General Assembly. The General 237
Assembly, applying the principle stated in division (B) of 238
section 1.52 of the Revised Code that amendments are to be 239
harmonized if reasonably capable of simultaneous operation, 240
finds that the composite is the resulting version of the section 241
in effect prior to the effective date of the section as 242
presented in this act. 243