

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 94

**Representative Barnes
Cosponsors: Representatives Duffey, Lepore-Hagan, Ruhl**

A BILL

To amend section 959.99 and to enact section 1
959.133 of the Revised Code to prohibit a person 2
from negligently allowing an animal to be 3
tethered outdoors under specified circumstances. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 959.99 be amended and section 5
959.133 of the Revised Code be enacted to read as follows: 6

Sec. 959.133. (A) No person shall negligently allow an 7
animal to be tethered outdoors in any of the following 8
circumstances: 9

(1) For a total of more than six hours in a twenty-four- 10
hour period and for not more than two consecutive hours without 11
at least an hour between tetherings; 12

(2) Between the hours of ten p.m. and six a.m.; 13

(3) If a heat or cold advisory or a severe weather warning 14
has been issued by the national weather service for the area in 15
which the animal is kept or harbored; 16

(4) If any of the following applies to the tether: 17

- (a) It is less than twenty feet in length. 18
- (b) It allows the animal to touch a fence or cross the 19
property line of the owner's, keeper's, or harborer's property. 20
- (c) It is attached by means of a pinch-type, prong-type, 21
or choke-type collar, or the collar to which it is attached is 22
unsafe or is not properly fitted. 23
- (d) It may cause injury to, or entanglement of, the 24
animal. 25
- (e) It is made of a material that is unsuitable for the 26
animal's size and weight or that causes any unnecessary 27
discomfort to the animal. 28
- (5) If the animal is not provided with a sanitary 29
environment that is free of an accumulation of feces or other 30
waste and insect or rodent infestation and of foul odor; 31
- (6) If no owner or occupant of the premises where the 32
animal is kept or harbored is present. 33
- (B) As used in this section, "tether" means a rope, chain, 34
cord, dog run or pulley, or similar restraint for holding an 35
animal in place that allows a radius in which the animal can 36
move about. 37
- Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 38
of the Revised Code is guilty of a minor misdemeanor. 39
- (B) Except as otherwise provided in this division, whoever 40
violates section 959.02 of the Revised Code is guilty of a 41
misdemeanor of the second degree. If the value of the animal 42
killed or the injury done amounts to three hundred dollars or 43
more, whoever violates section 959.02 of the Revised Code is 44
guilty of a misdemeanor of the first degree. 45

(C) Whoever violates section 959.03, 959.06, 959.12, 46
959.15, or 959.17 of the Revised Code is guilty of a misdemeanor 47
of the fourth degree. 48

(D) Whoever violates division (A) of section 959.13 of the 49
Revised Code is guilty of a misdemeanor of the second degree. In 50
addition, the court may order the offender to forfeit the animal 51
or livestock and may provide for its disposition, including, but 52
not limited to, the sale of the animal or livestock. If an 53
animal or livestock is forfeited and sold pursuant to this 54
division, the proceeds from the sale first shall be applied to 55
pay the expenses incurred with regard to the care of the animal 56
from the time it was taken from the custody of the former owner. 57
The balance of the proceeds from the sale, if any, shall be paid 58
to the former owner of the animal. 59

(E) (1) Whoever violates division (B) of section 959.131 of 60
the Revised Code is guilty of a misdemeanor of the first degree 61
on a first offense and a felony of the fifth degree on each 62
subsequent offense. 63

(2) Whoever violates section 959.01 of the Revised Code or 64
division (C) of section 959.131 of the Revised Code is guilty of 65
a misdemeanor of the second degree on a first offense and a 66
misdemeanor of the first degree on each subsequent offense. 67

(3) Whoever violates division (D) of section 959.131 of 68
the Revised Code is guilty of a felony of the fifth degree. 69

(4) Whoever violates division (E) of section 959.131 of 70
the Revised Code is guilty of a misdemeanor of the first degree. 71

(5) (a) A court may order a person who is convicted of or 72
pleads guilty to a violation of section 959.131 of the Revised 73
Code to forfeit to an impounding agency, as defined in section 74

959.132 of the Revised Code, any or all of the companion animals 75
in that person's ownership or care. The court also may prohibit 76
or place limitations on the person's ability to own or care for 77
any companion animals for a specified or indefinite period of 78
time. 79

(b) A court may order a person who is convicted of or 80
pleads guilty to a violation of section 959.131 of the Revised 81
Code to reimburse an impounding agency for the reasonably 82
necessary costs incurred by the agency for the care of a 83
companion animal that the agency impounded as a result of the 84
investigation or prosecution of the violation, provided that the 85
costs were not otherwise paid under section 959.132 of the 86
Revised Code. 87

(6) If a court has reason to believe that a person who is 88
convicted of or pleads guilty to a violation of section 959.131 89
of the Revised Code suffers from a mental or emotional disorder 90
that contributed to the violation, the court may impose as a 91
community control sanction or as a condition of probation a 92
requirement that the offender undergo psychological evaluation 93
or counseling. The court shall order the offender to pay the 94
costs of the evaluation or counseling. 95

(F) Whoever violates section 959.14 of the Revised Code is 96
guilty of a misdemeanor of the second degree on a first offense 97
and a misdemeanor of the first degree on each subsequent 98
offense. 99

(G) Whoever violates section 959.05 or 959.20 of the 100
Revised Code is guilty of a misdemeanor of the first degree. 101

(H) Whoever violates section 959.16 of the Revised Code is 102
guilty of a felony of the fourth degree for a first offense and 103

a felony of the third degree on each subsequent offense. 104

(I) Whoever violates section 959.133 of the Revised Code 105
is guilty of a minor misdemeanor on the first offense, a 106
misdemeanor of the fourth degree on the second offense, and a 107
misdemeanor of the first degree on the third or any subsequent 108
offense. However, if an animal becomes sick or injured as a 109
result of a violation of that section, whoever violates that 110
section is guilty of a misdemeanor of the first degree. 111

Section 2. That existing section 959.99 of the Revised 112
Code is hereby repealed. 113

Section 3. This act shall be known as the Animal 114
Protection Initiative. 115