

Jim Hoops

81st Ohio House District

Finance

Transportation and Public Safety

Ways and Means

Chair: Finance Subcommittee on Agriculture,
Development, and Natural Resources



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**Ohio General Assembly
Ohio House of Representatives
Representative Jim Hoops**

January 30, 2020

Chairman Lang, Vice Chair Plummer, Ranking Member Leland and members of Criminal Justice Committee, thank you for the opportunity to testify on HB 350, which would re-enact provisions of law governing animal fighting and bestiality.

This piece of legislation seeks to address a disparity in Ohio law concerning cruelty to animals. Currently 8 counties have an inconsistent application of the law as it pertains to animal cruelty and penalties for illegal animal fighting.

In 2016, the 131st General Assembly passed into law Senate Bill 331. The animal protection bill contained numerous amendments (small cell networks, minimum wage provisions and employer control) and was subsequently legally challenged in five counties as a violation of the single-subject rule.

The Lucas trial court struck down all of SB 331, finding no primary subject to preserve. The State appealed this decision and the Sixth District appellate level court in Ohio recently affirmed the Lucas County trial court's decision striking down SB 331 as violating the single subject rule and finding no primary subject that would allow the court to uphold parts of the law. The Ohio Supreme Court declined to take jurisdiction. This provision seeks to conform the bestiality and cockfighting portions of the law with the rest of the state where the law remains intact.

Through our court system, Ohio now has an inconsistent application of the law in the Sixth District Court of Appeals which encompasses: Erie, Fulton, Huron, Lucas, Ottawa, Sandusky, Williams and Wood counties. This bill offers identical language to the 2016 SB 331 regarding: 1) animal sexual abuse 2) escalating penalty for illegal animal fighting.

Not only is bestiality abhorrent and cruel, often resulting in serious injury to or the death of the animal, it is also a red flag for the likelihood of violence against individuals because of its resemblance to human sexual assault in that it involves pain, coercion, and lack of consent.

After a major cockfighting bust in Fulton County in 2015, lawmakers recognized the need to escalate penalties for cockfighting from an ineffective misdemeanor to an unclassified felony with a fine of up to \$10,000 when specific conditions occurred: permitting a minor to be present at a fight, wagering, charging admission, and the use of injury enhancing devices i.e. gaffs and knives.

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It is critical that our animal cruelty statutes are consistent throughout the entire state in every county. Reaffirming the law in Ohio benefits Law Enforcement Agencies and Prosecutors charged with investigating crimes of this nature.

Chairman Lang, Vice Chair Plummer, Ranking Member Leland and members of Criminal Justice Committee, thank you for the opportunity to testify on HB 350. I hope you can support this important piece of legislation and I'll be happy to answer any questions you may have.