



**THE HUMANE SOCIETY
OF THE UNITED STATES**

1255 23rd Street, NW
Suite 450
Washington, DC 20037
P 202-452-1100
F 202-778-6132
humanesociety.org

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**Proponent Testimony on House Bill 350
House Criminal Justice**

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Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for this opportunity to present proponent testimony on House Bill 350, re-enact provisions relating to animal fighting and sexual abuse of animals. My name is Corey Roscoe the Ohio state director for the Humane Society of the United States (HSUS) one of the nation's largest animal protection organizations. We provide free training and resources to animal shelters and law enforcement agencies. Last year we held over a dozen trainings in Ohio and welcomed deputy sheriffs, humane agents, animal control officers, municipal police officers and state agency inspectors.

We would like to acknowledge Representative Hoops for his leadership on this legislation. Rep. Hoops laid out a proficient assessment of the legal issue in his sponsor testimony. To summarize, in the 131st General Assembly animal fighting and bestiality bills advanced in their respective chambers with bi-partisan support before being amended into SB 331 in the lame duck session. Other measures such a micro-cells and minimum wage were also included in the bill which triggered a single-subject court challenge in five cities around the state. The current disparity in the law in eight Ohio counties is a result of a ruling by the Sixth District Court of Appeals upholding a lower court's decision to deem the law unconstitutional but only affecting Erie, Fulton, Huron, Lucas, Ottawa, Sandusky, Williams and Wood counties. In 2019, the Ohio Supreme Court declined to take jurisdiction to resolve the inconsistent decisions by appellate districts.

House Bill 350 uses identical language for both animal measures passed into law in 2016 but since erased in eight out of 88 Ohio counties.

Bestiality

- Animal sexual abuse is linked to human crime and cruelty. The FBI has found high rates of sexual assault of animals in the backgrounds of serial sexual homicide predators, which is why bestiality and other forms of animal cruelty are now tracked by the FBI as a Group A offense in the National Incident Based Reporting System, in the same category as rape and murder.
- The sexual abuse of animals is linked to the sexual abuse of women and children. Domestic violence can involve the use of animals for degradation and sexual exploitation of the battered partner. A study of



44,202 adult males evaluated for sexual misconduct found that sexual contact with animals is the single largest risk factor and strongest predictor of increased risk for sexually molesting a child. (Abel 2008). Because of this connection, the original bill was supported by many Ohio domestic violence organizations (list below.)

- Since the introduction of House Bill 350, two bestiality cases have been reported in the media in December 2019 in Tuscarawas and recently on February 20, 2020 in the Youngstown area. Had these two events occurred on the other side of the state, law enforcement and prosecutors would have less tools to combat this form of sexual abuse.

Cockfighting

- Prior to 2016, Ohio was the only Great Lakes state to use a lower penalty for this form of animal fighting. The escalating penalty to a felony was necessary to remove the welcome mat at Ohio's borders. The felony penalty only applies when specific predicated offenses are occurring such as: charging or paying admission, wagering, using fighting enhancements like knives and gaffs, and permitting a minor to be present.
- The blood sport involves pitting two animals to fight to the death for the purpose of entertainment and financial gain. Cockfighting is a magnet for other illegal activities. Firearms and other weapons are common at cockfights, mainly due to the large amounts of cash present from gambling. The Drug Enforcement Administration has also documented the strong connection between cockfighting and the distribution of narcotics.
- In 2019 a Cleveland man named Raul Torres pled guilty to laundering money for drug traffickers and other criminals through buying real estate on the city's west side. According to his plea agreement Torres also exhibited fighting roosters in Youngstown and attached knives or other sharp objects to the roosters' legs were dozens of roosters participated in multiple matches.

Law Enforcement agencies and prosecutors charged with investigating crimes of this nature are dependent on the passage of House Bill 350 to give them to tools they need and is the way to rectify the disparity in the law in which 80 counties have a different set of rules than eight counties.

Thank you for your consideration.



131st GA (2015-2016) List of Proponents

Bestiality/Sexual Abuse of Animals (SB195):

- ACTION OHIO Coalition for Battered Women
- Ohio Prosecuting Attorneys Association
- Ohio Domestic Violence Network
- Ohio Veterinary Medical Association
- Ohio Alliance to End Sexual Violence
- The American Society for the Prevention of Cruelty to Animals (ASPCA)
- Citizens for Community Values
- National Link Coalition
- Ohio Voters for Companion Animals
- The Humane Society of the United States
- Fairfax County Police Department Detective Hoffman

Elevated Penalties for Cockfighting (HB215):

- Buckeye State Sheriffs Association
- Ohio Farm Bureau
- Ohio Poultry Association
- Southern Baptism Convention, Ethics & Religious Liberty Commission
- The American Society for the Prevention of Cruelty to Animals (ASPCA)
- Association of Prosecuting Attorneys
- Ohio Fraternal Order of Police
- Ohio Veterinary Medical Association
- The Humane Society of the United States
- Sugarcreek Police Department
- Kettering Police Department



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8 counties where bestiality is **LEGAL**, and cockfighting is only a misdemeanor

In the remaining 80 counties, bestiality is **ILLEGAL**, and cockfighting is punishable by a felony

BESTIALITY	
Ohio law prior to 2016	After passage of SB 331
<ul style="list-style-type: none"> • Legal, no prohibition on sexual abuse of animals; • Prosecutors needed to prove the animal was injured in order to charge with animal cruelty; • No penalty; • Law Enforcement could not seize an animal if person was caught in the act 	<ul style="list-style-type: none"> • Illegal; any act itself AND <ul style="list-style-type: none"> ○ knowingly possess, sell, or purchase an animal with the intent that it be subjected to sexual conduct; ○ organize, promote, aid, or abet in the conduct of an act involving any sexual conduct with an animal; • bona fide veterinary or animal husbandry practices excepted; • Misdemeanor of the second degree; • Court may order the offender to forfeit the animal
COCKFIGHTING	
Ohio law prior to 2016	After passage of SB 331
<ul style="list-style-type: none"> • Illegal • Misdemeanor of the fourth degree, fine not to exceed \$250 • Ohio part of the animal fighting southern corridor • Only Great Lakes state without a felony cockfighting law 	<ul style="list-style-type: none"> • Illegal • Division A: misdemeanor of the fourth degree • Division B: unclassified Felony, up to \$10K fine <ul style="list-style-type: none"> ○ Be employed at cockfighting ○ Wager on the results of the event; ○ Pay or Receive money in exchange for admission to or being present at the event; ○ Use, possess, or permit or cause to be present at the event any device or substance intended to enhance an animal's ability to fight or to inflict injury on another animal (example Knives/Gafs); ○ Permit or cause a minor to be present at the event if any person present at or involved with the event is conducting any of the activities described above • Removed the welcome mat for illegal animal fighting derbies in Ohio



Summary of court challenges on SB 331 (131st General Assembly)

- SB 331 (as amended/partly repealed by new laws enacted on microcell towers), is the law in Ohio except in the Sixth Appellate District.
- The Ohio Supreme Court declined to take jurisdiction to resolve the inconsistent decisions by appellate districts; 3 of the 7 justices dissented from the decision to not hear the case.

Lucas County (Sixth District appellate court)

Entire law struck down

The Lucas County trial court ruled single subject violated, and struck down all of SB 331, finding no primary subject to preserve. The State appealed (Sixth District appellate court), and the appellate court affirmed the Lucas County trial court's decision. **Therefore in Lucas County and the jurisdiction of the Sixth District appellate court bestiality is legal and cockfighting is only a misdemeanor.**

Cuyahoga County

Trial court judge ruled single subject violated, struck down SB 331 but kept animal-related portions. State appealed (Eighth District appellate court) and won: trial court judgment was vacated, all of SB 331 is the law in the Eighth District.

Hamilton County

Trial court judge ruled single subject violated, struck down SB 331 but kept animal-related portions. State appealed (First District appellate court) and won: trial court judgment was vacated, all of SB 331 is the law in the First District.

Franklin County

Trial court judge ruled single subject violated, struck down SB 331 but kept animal-related portions. State appealed (Tenth District appellate court) and won: trial court judgment was vacated, all of SB 331 is the law in the Tenth District.

Summit County

Trial court upheld all of SB 331, finding there was no single-subject violation. Cities started appeal process; appellate court (Ninth District) found trial court's judgment void for technical reasons not related to the merits of the case, and vacated it, and sent the case back to the trial court for consideration. But at that point the plaintiff cities decided to withdraw their claims, rather than resume the case. SB 331 is the law in the Ninth District.

Ohio's bestiality law didn't come out of nowhere

Posted: 10:38 AM, Apr 02, 2017

By: Julie Carr Smyth | Associated Press

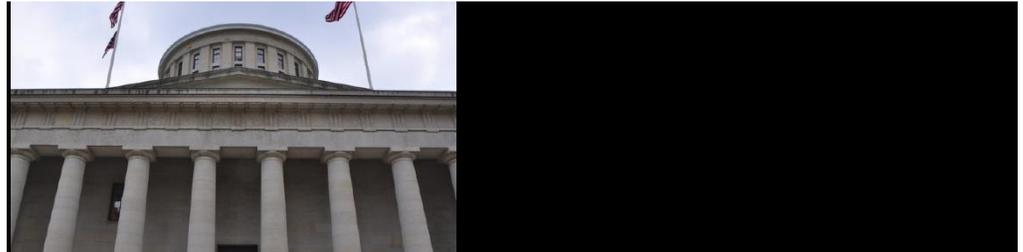


Photo by: Taylor Mirfendereski | WCPO

COLUMBUS, Ohio -- As Salvador Rendon was being arraigned last year on charges he had engaged for years in sexual intercourse with dogs, animal-rights activists descended on Warren, Ohio, to make their case: The state needed an anti-bestiality law.

The group had endured years of chiding: giggles about farm animals, "Deliverance" jokes, barks during a legislative hearing, questions of, "If the animal's not injured, what's the harm?"

But the Warren case was changing things.

Rendon was accused of having intercourse with two dogs -- a male and a female boxer that belonged to his daughter -- at least 10 times over a six-year period. Police told a local television station they'd ["never seen a case like this one."](#) The judge called Rendon's actions "despicable and highly disturbing."

But, in a state where bestiality wasn't a crime, authorities were limited to charging Rendon with animal cruelty, a misdemeanor, and only after proving he had caused physical harm to an animal. Rendon spent 30 days in jail and remains on five years' probation.

The case prompted Warren to pass Ohio's first local bestiality ban, with tougher penalties and no requirement to prove physical harm, allowing investigators to rely on witness testimony and forensic evidence. It also helped pass a statewide anti-bestiality law effective this month.



Eight states and the District of Columbia still lack anti-bestiality laws. Some states inadvertently lifted earlier prohibitions on human-animal sex when they were updating their laws to remove sodomy as a crime.

The [Humane Society of the United States](#) led the lobbying effort to outlaw bestiality, but a much larger coalition, including domestic violence shelters, conservative Christians, law enforcers and psychologists, got behind the law this time.

"We were able to explain that this is not just an animal issue," said Corey Roscoe, the society's Ohio state director. "This did have ramifications for human violence. Sexually deviant acts are a red flag to other acts of sexual violence."

Since 2005, arrests for animal sex abuse and exploitation in the U.S. have risen dramatically. The number of arrests in 2014 was more than double the total number of arrests in the 30 years between 1970 and 2000.

Jenny Edwards, a criminologist in Washington who studies the issue, said the rise has been driven by the internet.

Online forums that exist behind powerful firewalls allow like-minded people to communicate and share animals for breeding and sexual experiences. "It's been great for deviants," Edwards said.

A decade of research by Edwards also shows links between those who abuse animals and those who abuse other vulnerable groups, including children, women and other family members.

Animals involved are mostly horses, large dogs and sometimes deer. Roscoe said large animals are targeted in part because physical harm is more difficult to prove if perpetrators are caught. Psychologists have testified animals suffer psychological effects, including depression, anxiety and aggression. The Federal Bureau of Investigation singled out animal cruelty offenses in its national crime statistics for the first time last year, in an effort to begin to definitively quantify the problem.

Edwards said such crimes are difficult to track, because the animals involved are often shuffled off to shelters without being tested for abuse, because police departments are focused on human crimes, and because veterinarians often don't know what to look for. She advises using human rape kits. Stigma remains an obstacle.



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Though she supported the vote, Warren City Council member Helen Rucker, a Democrat, raised concern that passing the state's first law would suggest the city had a widespread problem. Until the latest bill, championed by a pair of Republican state senators, Ohio legislators hesitated to put their names on proposed bestiality bills, seeing the issue as a punch line advanced by some overly zealous animal lovers.

When Edwards called a North Carolina police department to report a bestiality case she'd uncovered, a detective put her on speaker phone so he and his colleagues could laugh.

"That's a lot of what my work is focused on, trying to remove that idea," she said. "It's not a joke. It's far more common than people realize it is, and far more sinister than people realize it is."

<https://www.wcpo.com/news/government/state-government/ohio-state-government-news/ohios-bestiality-law-didnt-come-out-of-nowhere>