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## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Brinkman

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### Summary

- Requires the Attorney General to establish and maintain a statewide registry of animal abuse offenses, to make the registry available to local and state law enforcement agencies, and to post it on the Attorney General's website.
- Requires the registry to include specified information about an offender who commits an animal abuse offense.
- Specifies how long an offender's information must be listed on the registry.
- Prohibits an animal shelter from adopting out an animal to an individual whose name appears in the registry.

### Detailed Analysis

#### Animal abuse registry

The bill requires the Attorney General to establish and maintain a statewide registry of animal abuse offenses (see, "**Animal abuse offenses**," below). The Attorney General must make the registry available to local and state law enforcement agencies and on the Attorney General's website.<sup>1</sup> A court that sentences an individual who is convicted of or has pleaded guilty to an animal abuse offense must submit the following information to the Attorney General within 60 days after the court imposes the sentence:

1. The offender's name, address, gender, and date of birth;
2. Details of the animal abuse offense, including a description of each animal that was a victim of the offense;
3. The penalty imposed for the offense;

<sup>1</sup> R.C. 959.32(A).

4. The offender's photograph; and
5. Any additional information required by the Attorney General for purposes of the registry.<sup>2</sup>

### **Effect of inclusion in registry**

After receipt of the information from the court, the Attorney General must include it in the registry. If an individual's name is listed in the registry, a facility operated by a humane society or a dog pound (an animal shelter) cannot adopt out a companion animal to that individual. (A companion animal is a dog, a cat, or any other animal that is kept inside a residential dwelling.)<sup>3</sup>

### **Maintaining the registry**

As indicated above, the Attorney General must maintain the statewide animal abuse registry. Under the bill, the Attorney General is required to include animal abuse offenders in the registry and subsequently remove them from the registry after specified time periods as illustrated in the table below:<sup>4</sup>

<b>Number of offenses</b>	<b>Length of time name appears in registry</b>	<b>Removal from registry</b>
First offense	2 years following the date the offender was sentenced for the offense.	After 2 years, the Attorney General must remove the offender's name, provided that the offender has not been convicted of or pleaded guilty to another animal abuse offense during that 2-year period.
Each subsequent offense	5 years following the date the offender was sentenced for the subsequent offense.	After 5 years, the Attorney General must remove the offender's name, provided that the offender has not been convicted of or pleaded guilty to another animal abuse offense during that 5-year period.

### **Effect if record is sealed**

If a person is convicted of an animal abuse offense, but the record pertaining to that conviction is sealed, the clerk of court must notify the Attorney General.<sup>5</sup> The Attorney General must remove the information regarding an animal abuse offense from the registry if the Attorney General receives that notification.<sup>6</sup>

<sup>2</sup> R.C. 959.31(A).

<sup>3</sup> R.C. 959.30 and 959.33.

<sup>4</sup> R.C. 959.32(C).

<sup>5</sup> R.C. 2953.32(J).

<sup>6</sup> R.C. 959.32(C)(3).

## Animal abuse offenses

The animal abuse offenses for which the Attorney General must keep a registry of are listed in the table below.<sup>7</sup>

Animal abuse offense	Description	Citation <sup>8</sup>
Abandoning animals	Prohibits an owner of a dog, cat, or other domestic animal from abandoning the animal.	R.C. 959.01
Injuring animals	Prohibits a person from maliciously, or willfully and without consent, killing a variety of livestock animals and domestic animals that belong to another.	R.C. 959.02
Poisoning animals	Prohibits a person from maliciously, or willfully and without consent, administering poison to a variety of livestock animals and domestic animals, including placing poisoned food where it may be easily found and eaten by those animals.	R.C. 959.03
Destruction of domestic animals	Prohibits a person from destroying any domestic animal by the use of a high altitude decompression chamber or by any method other than a method that immediately and painlessly renders the domestic animal initially unconscious and subsequently dead.	R.C. 959.06
Cruelty to animals	Prohibits a person from engaging in a variety of acts of cruelty towards animals, including torturing an animal, depriving it of necessary sustenance, unnecessarily or cruelly beating it, and needlessly mutilating or killing the animal.	R.C. 959.13
Cruelty to companion animals	Prohibits both an owner or caretaker of a companion animal and an owner, manager, or employee of a dog kennel from engaging in a variety of acts of cruelty towards a companion animal, including torturing or tormenting the companion animal and depriving the companion animal of necessary sustenance.	R.C. 959.131
Cutting horse tails	Prohibits a horse owner from cutting off the dock or tail of the horse in order to shorten its natural length or proportions.	R.C. 959.14
Animal fighting	Prohibits a person from knowingly engaging in various types of animal fighting activities.	R.C. 959.15
Dogfighting	Prohibits a person from knowingly engaging in various types of dogfighting activities.	R.C. 959.16

<sup>7</sup> R.C. 959.30(B).

<sup>8</sup> None of these citations are in the bill.

Animal abuse offense	Description	Citation <sup>8</sup>
Trapshooting	Prohibits a person from using live birds or fowl as targets in trapshooting.	R.C. 959.17
Killing a carrier pigeon	Prohibits a person from shooting, killing, maiming, entrapping, catching, or detaining a carrier pigeon of another person.	R.C. 959.18
Using cruelty devices on work animals	Prohibits a person from directly or indirectly putting, placing, fastening, using, or fixing on any work animal any of the following devices: <ul style="list-style-type: none"> <li>- Twisted wire snaffle;</li> <li>- Unpadded bucking strap;</li> <li>- Unpadded flank strap;</li> <li>- Electric or other prods; or</li> <li>- Other similar devices.</li> </ul>	R.C. 959.20
Bestiality	Prohibits a person from knowingly doing any of the following: <ul style="list-style-type: none"> <li>-- Engaging in sexual conduct with an animal;</li> <li>-- Possessing, selling, or purchasing an animal with the intent that it be subjected to sexual conduct;</li> <li>-- Organizing, promoting, aiding, or abetting in the conduct of an act involving any sexual conduct with an animal.</li> </ul>	R.C. 959.21
Assaulting or harassing a police dog or horse or an assistance dog	Generally prohibits a person from causing, or attempting to cause, physical harm to a police dog, a police horse, or an assistance dog.	R.C. 2921.321

### Costs of maintaining the registry

When a court sentences an offender for an animal abuse offense, the court must collect a \$10 fee from the offender and submit it to the Attorney General.<sup>9</sup> Proceeds from the fee must be credited to the Animal Abuser Registration Fund, which is created by the bill. The Attorney General must use the money in the Fund for the administration costs associated with maintaining the statewide animal abuse registry.<sup>10</sup>

### History

Action	Date
Introduced	03-19-19

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<sup>9</sup> R.C. 959.31(B).

<sup>10</sup> R.C. 959.31(B) and 959.34.