

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 684

Representative Barnes

A BILL

To amend section 959.99 and to enact section 1
959.134 of the Revised Code to prohibit a person 2
from knowingly allowing a companion 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
959.134 of the Revised Code be enacted to read as follows: 6

Sec. 959.134. (A) No person shall knowingly allow a 7
companion animal to be tethered outdoors in any of the following 8
circumstances: 9

(1) If a heat or cold advisory or a severe weather warning 10
has been issued by the national weather service for the area in 11
which the companion animal is kept or harbored; 12

(2) If the companion animal is kept or harbored in an area 13
without access to either of the following: 14

(a) Safe and adequate shelter that provides space for the 15
companion animal and protects the companion animal from injury, 16
wind, rain, sleet, snow, hail, direct sunlight, the adverse 17
effects of heat or cold, physical suffering, and impairment of 18

<u>health;</u>	19
<u>(b) Food and water provided on a twenty-four-hour basis.</u>	20
<u>(3) If the companion animal suffers from a condition for</u> <u>which tethering the companion animal will exacerbate the</u> <u>condition and the condition is known by the person;</u>	21 22 23
<u>(4) If any of the following applies to the tether:</u>	24
<u>(a) It is less than ten feet in length.</u>	25
<u>(b) It allows the companion animal to touch a fence or</u> <u>cross the property line of the owner's, keeper's, or harborer's</u> <u>property.</u>	26 27 28
<u>(c) It is attached by means of a pinch-type, prong-type,</u> <u>or choke-type collar, or the collar to which it is attached is</u> <u>unsafe or is not properly fitted.</u>	29 30 31
<u>(d) It may cause injury to the companion animal or</u> <u>entanglement with other tethered companion animals.</u>	32 33
<u>(e) It has a lead that exceeds one-eighth of the companion</u> <u>animal's body weight, is made of a material that is unsuitable</u> <u>for the companion animal's size and weight, or causes any</u> <u>unnecessary discomfort to the companion animal such as a tow</u> <u>chain or a log chain.</u>	34 35 36 37 38
<u>(5) If the companion animal is not provided with a</u> <u>sanitary environment that is free of an accumulation of feces or</u> <u>other waste, insect or rodent infestation, and of foul odor.</u>	39 40 41
<u>(B) Division (A) of this section does not prohibit any of</u> <u>the following:</u>	42 43
<u>(1) A person from walking a companion animal with a hand-</u> <u>held leash;</u>	44 45

(2) Conduct that is directly related to the cultivation of agricultural products, including shepherding or herding cattle or other livestock, if restraint of a companion animal is reasonably necessary for the safety of the companion animal; 46
47
48
49

(3) The tethering of a companion animal while at an organized or lawful function such as hunting, obedience training, a performance or conformance event, or law enforcement training or while preparing for any of those functions; 50
51
52
53

(4) The restraint of a companion animal at a camping or recreational area in compliance with requirements established by the applicable federal, state, or local authority or the private owner of the area; 54
55
56
57

(5) The tethering or restraint of a companion animal when the companion animal is located on land devoted to agricultural production. 58
59
60

(C) As used in this section: 61

(1) "Agricultural production" has the same meaning as in section 929.01 of the Revised Code. 62
63

(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 64
65

(3) "Tether" means a rope, chain, cord, leash, dog run or pulley, or similar restraint for holding an animal in place that allows a radius in which the animal can move about. 66
67
68

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of the Revised Code is guilty of a minor misdemeanor. 69
70

(B) Except as otherwise provided in this division, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the second degree. If the value of the animal 71
72
73

killed or the injury done amounts to three hundred dollars or 74
more, whoever violates section 959.02 of the Revised Code is 75
guilty of a misdemeanor of the first degree. 76

(C) Whoever violates section 959.03, 959.06, 959.12, 77
959.15, or 959.17 of the Revised Code is guilty of a misdemeanor 78
of the fourth degree. 79

(D) Whoever violates division (A) of section 959.13 of the 80
Revised Code is guilty of a misdemeanor of the second degree. In 81
addition, the court may order the offender to forfeit the animal 82
or livestock and may provide for its disposition, including, but 83
not limited to, the sale of the animal or livestock. If an 84
animal or livestock is forfeited and sold pursuant to this 85
division, the proceeds from the sale first shall be applied to 86
pay the expenses incurred with regard to the care of the animal 87
from the time it was taken from the custody of the former owner. 88
The balance of the proceeds from the sale, if any, shall be paid 89
to the former owner of the animal. 90

(E) (1) Whoever violates division (B) of section 959.131 of 91
the Revised Code is guilty of a misdemeanor of the first degree 92
on a first offense and a felony of the fifth degree on each 93
subsequent offense. 94

(2) Whoever violates division (C) of section 959.131 of 95
the Revised Code is guilty of a felony of the fifth degree. 96

(3) Whoever violates section 959.01 of the Revised Code or 97
division (D) of section 959.131 of the Revised Code is guilty of 98
a misdemeanor of the second degree on a first offense and a 99
misdemeanor of the first degree on each subsequent offense. 100

(4) Whoever violates division (E) of section 959.131 of 101
the Revised Code is guilty of a felony of the fifth degree. 102

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

(6) (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 section 959.131 of the Revised Code to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal 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) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code suffers from 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 guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree.	133 134
(H) Whoever violates section 959.16 of the Revised Code is guilty of a felony of the fourth degree for a first offense and a felony of the third degree on each subsequent offense.	135 136 137
<u>(I) Whoever violates section 959.134 of the Revised Code is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. However, if an animal becomes sick or injured as a result of a violation of that section, whoever violates that section is guilty of a misdemeanor of the first degree.</u>	138 139 140 141 142 143 144
Section 2. That existing section 959.99 of the Revised Code is hereby repealed.	145 146
Section 3. This act shall be known as the Animal Protection Initiative.	147 148