

As Reported by the House Judiciary Committee

131st General Assembly

Regular Session

2015-2016

Am. H. B. No. 215

Representatives Sears, Bishoff

Cosponsors: Representatives Grossman, Hill, Kraus, LaTourette, Leland,
McColley, Phillips, Sheehy, Stinziano

A BILL

To amend sections 959.15 and 959.99 of the Revised Code to prohibit and establish an increased penalty for knowingly engaging in activities associated with cockfighting, bearbaiting, or pitting an animal against another. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 959.15 and 959.99 of the Revised Code be amended to read as follows: 6
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Sec. 959.15. (A) No person shall knowingly ~~engage~~do either of the following: 8
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(1) ~~Engage in or be employed at cockfighting, bearbaiting, or pitting an animal against another; no person shall receive money for the admission of another to a place kept for such purpose; no person shall use~~ 10
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(2) ~~Use, train, or possess any animal for seizing, detaining, or maltreating a domestic animal. Any person who knowingly purchases a ticket of admission to such place, or is present thereat, or witnesses such spectacle, is an aider and~~ 14
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abettor.	18
<u>(B) No person shall knowingly do either of the following:</u>	19
<u>(1) Be employed at cockfighting, bearbaiting, or pitting</u>	20
<u>an animal against another;</u>	21
<u>(2) Do any of the following regarding an event involving</u>	22
<u>cockfighting, bearbaiting, or pitting an animal against another:</u>	23
<u>(a) Wager money or anything else of value on the results</u>	24
<u>of the event;</u>	25
<u>(b) Pay money or give anything else of value in exchange</u>	26
<u>for admission to or being present at the event;</u>	27
<u>(c) Receive money or anything else of value in exchange</u>	28
<u>for the admission of another person to the event or for another</u>	29
<u>person to be present at the event;</u>	30
<u>(d) Use, possess, or permit or cause to be present at the</u>	31
<u>event any device or substance intended to enhance an animal's</u>	32
<u>ability to fight or to inflict injury on another animal;</u>	33
<u>(e) Permit or cause a minor to be present at the event if</u>	34
<u>any person present at or involved with the event is conducting</u>	35
<u>any of the activities described in division (B)(1) or (B)(2)(a),</u>	36
<u>(b), (c), or (d) of this section.</u>	37
<u>(C) A person who knowingly witnesses cockfighting,</u>	38
<u>bearbaiting, or an event in which one animal is pitted against</u>	39
<u>another when a violation of division (B) of this section is</u>	40
<u>occurring at the cockfighting, bearbaiting, or event is an aider</u>	41
<u>and abettor and has committed a violation of this division.</u>	42
Sec. 959.99. (A) Whoever violates section 959.18 or 959.19	43
of the Revised Code is guilty of a minor misdemeanor.	44

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

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

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

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

(2) Whoever violates section 959.01 of the Revised Code or
division (C) of section 959.131 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.

(3) Whoever violates division (D) of section 959.131 of

the Revised Code is guilty of a felony of the fifth degree. 74

(4) Whoever violates division (E) of section 959.131 of 75
the Revised Code is guilty of a misdemeanor of the first degree. 76

(5) (a) A court may order a person who is convicted of or 77
pleads guilty to a violation of section 959.131 of the Revised 78
Code to forfeit to an impounding agency, as defined in section 79
959.132 of the Revised Code, any or all of the companion animals 80
in that person's ownership or care. The court also may prohibit 81
or place limitations on the person's ability to own or care for 82
any companion animals for a specified or indefinite period of 83
time. 84

(b) A court may order a person who is convicted of or 85
pleads guilty to a violation of section 959.131 of the Revised 86
Code to reimburse an impounding agency for the reasonably 87
necessary costs incurred by the agency for the care of a 88
companion animal that the agency impounded as a result of the 89
investigation or prosecution of the violation, provided that the 90
costs were not otherwise paid under section 959.132 of the 91
Revised Code. 92

(6) If a court has reason to believe that a person who is 93
convicted of or pleads guilty to a violation of section 959.131 94
of the Revised Code suffers from a mental or emotional disorder 95
that contributed to the violation, the court may impose as a 96
community control sanction or as a condition of probation a 97
requirement that the offender undergo psychological evaluation 98
or counseling. The court shall order the offender to pay the 99
costs of the evaluation or counseling. 100

(F) Whoever violates section 959.14 of the Revised Code is 101
guilty of a misdemeanor of the second degree on a first offense 102

and a misdemeanor of the first degree on each subsequent offense. 103
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(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree. 105
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(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. 107
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(I) Whoever violates division (B) or (C) of section 959.15 of the Revised Code is guilty of a felony and shall be fined not more than ten thousand dollars. 110
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Section 2. That existing sections 959.15 and 959.99 of the Revised Code are hereby repealed. 113
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