

As Passed by the House

131st General Assembly

Regular Session

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Am. H. B. No. 215

Representatives Sears, Bishoff

Cosponsors: Representatives Grossman, Hill, Kraus, LaTourette, Leland, McColley, Phillips, Sheehy, Stinziano, Anielski, Arndt, Baker, Boyd, Brown, Celebrezze, Clyde, Craig, Dovilla, Hambley, Johnson, G., Lepore-Hagan, O'Brien, M., Patterson, Ruhl, Smith, K., Sweeney

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, 10
or pitting an animal against another; ~~no person shall receive~~ 11
~~money for the admission of another to a place kept for such~~ 12
~~purpose; no person shall use~~ 13

(2) Use, train, or possess any animal for seizing, 14
detaining, or maltreating a domestic animal. ~~Any person who~~ 15

~~knowingly purchases a ticket of admission to such place, or is~~ 16
~~present thereat, or witnesses such spectacle, is an aider and~~ 17
~~abettor.~~ 18

(B) No person shall knowingly do either of the following: 19

(1) Be employed at cockfighting, bearbaiting, or pitting 20
an animal against another; 21

(2) Do any of the following regarding an event involving 22
cockfighting, bearbaiting, or pitting an animal against another: 23

(a) Wager money or anything else of value on the results 24
of the event; 25

(b) Pay money or give anything else of value in exchange 26
for admission to or being present at the event; 27

(c) Receive money or anything else of value in exchange 28
for the admission of another person to the event or for another 29
person to be present at the event; 30

(d) Use, possess, or permit or cause to be present at the 31
event any device or substance intended to enhance an animal's 32
ability to fight or to inflict injury on another animal; 33

(e) Permit or cause a minor to be present at the event if 34
any person present at or involved with the event is conducting 35
any of the activities described in division (B) (1) or (B) (2) (a), 36
(b), (c), or (d) of this section. 37

(C) A person who knowingly witnesses cockfighting, 38
bearbaiting, or an event in which one animal is pitted against 39
another when a violation of division (B) of this section is 40
occurring at the cockfighting, bearbaiting, or event is an aider 41
and abettor and has committed a violation of this division. 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 45
violates section 959.02 of the Revised Code is guilty of a 46
misdemeanor of the second degree. If the value of the animal 47
killed or the injury done amounts to three hundred dollars or 48
more, whoever violates section 959.02 of the Revised Code is 49
guilty of a misdemeanor of the first degree. 50

(C) Whoever violates section 959.03, 959.06, 959.12, 51
~~959.15,~~ or 959.17 or division (A) of section 959.15 of the 52
Revised Code is guilty of a misdemeanor of the fourth degree. 53

(D) Whoever violates division (A) of section 959.13 of the 54
Revised Code is guilty of a misdemeanor of the second degree. In 55
addition, the court may order the offender to forfeit the animal 56
or livestock and may provide for its disposition, including, but 57
not limited to, the sale of the animal or livestock. If an 58
animal or livestock is forfeited and sold pursuant to this 59
division, the proceeds from the sale first shall be applied to 60
pay the expenses incurred with regard to the care of the animal 61
from the time it was taken from the custody of the former owner. 62
The balance of the proceeds from the sale, if any, shall be paid 63
to the former owner of the animal. 64

(E) (1) Whoever violates division (B) of section 959.131 of 65
the Revised Code is guilty of a misdemeanor of the first degree 66
on a first offense and a felony of the fifth degree on each 67
subsequent offense. 68

(2) Whoever violates section 959.01 of the Revised Code or 69
division (C) of section 959.131 of the Revised Code is guilty of 70
a misdemeanor of the second degree on a first offense and a 71

misdemeanor of the first degree on each subsequent offense.	72
(3) Whoever violates division (D) of section 959.131 of the Revised Code is guilty of a felony of the fifth degree.	73 74
(4) Whoever violates division (E) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree.	75 76
(5) (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.	77 78 79 80 81 82 83 84
(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.	85 86 87 88 89 90 91 92
(6) 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.	93 94 95 96 97 98 99 100

(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 103
offense. 104

(G) Whoever violates section 959.05 or 959.20 of the 105
Revised Code is guilty of a misdemeanor of the first degree. 106

(H) Whoever violates section 959.16 of the Revised Code is 107
guilty of a felony of the fourth degree for a first offense and 108
a felony of the third degree on each subsequent offense. 109

(I) Whoever violates division (B) or (C) of section 959.15 110
of the Revised Code is guilty of a felony and shall be fined not 111
more than ten thousand dollars. 112

Section 2. That existing sections 959.15 and 959.99 of the 113
Revised Code are hereby repealed. 114