

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 350

Representative Hoops

Cosponsors: Representatives Lang, Riedel, Romanchuk, Lipps, Carruthers, Keller

A BILL

To amend sections 959.15, 959.21, and 959.99 of the 1
Revised Code to re-enact provisions of law 2
governing animal fighting and bestiality. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 959.15, 959.21, and 959.99 of the 4
Revised Code be amended to read as follows: 5

Sec. 959.15. (A) No person shall knowingly ~~do either of~~ 6
~~the following:~~ 7

~~(1) Engage do either of the following:~~ 8

(1) Engage in cockfighting, bearbaiting, or pitting an 9
animal against another; 10

~~(2) Use~~ (2) Use, train, or possess any animal for seizing, 11
detaining, or maltreating a domestic animal. 12

~~(B) No person shall knowingly do either of the following:~~ 13

~~(1) Be employed at cockfighting, bearbaiting, or pitting~~ 14
~~an animal against another;~~ 15

~~(2) Do any of the following regarding an event involving~~ 16

~~cockfighting, bearbaiting, or pitting an animal against another;~~ 17

~~(a) Wager money or anything else of value on the results~~ 18
~~of the event;~~ 19

~~(b) Pay money or give anything else of value in exchange~~ 20
~~for admission to or being present at the event;~~ 21

~~(c) Receive money or anything else of value in exchange~~ 22
~~for the admission of another person to the event or for another~~ 23
~~person to be present at the event;~~ 24

~~(d) Use, possess, or permit or cause to be present at the~~ 25
~~event any device or substance intended to enhance an animal's~~ 26
~~ability to fight or to inflict injury on another animal;~~ 27

~~(e) Permit or cause a minor to be present at the event if~~ 28
~~any person present at or involved with the event is conducting~~ 29
~~any of the activities described in division (B) (1) or (B) (2) (a),~~ 30
~~(b), (c), or (d) of this section.~~ 31

~~(C) A person who knowingly witnesses cockfighting,~~ 32
~~bearbaiting, or an event in which one animal is pitted against~~ 33
~~another when a violation of division (B) of this section is~~ 34
~~occurring at the cockfighting, bearbaiting, or event is an aider~~ 35
~~and abettor and has committed a violation of this division.~~ 36
No person shall knowingly do either of the following: 37

(1) Be employed at cockfighting, bearbaiting, or pitting 38
an animal against another; 39

(2) Do any of the following regarding an event involving 40
cockfighting, bearbaiting, or pitting an animal against another: 41

(a) Wager money or anything else of value on the results 42
of the event; 43

(b) Pay money or give anything else of value in exchange 44
for admission to or being present at the event; 45

(c) Receive money or anything else of value in exchange 46
for the admission of another person to the event or for another 47
person to be present at the event; 48

(d) Use, possess, or permit or cause to be present at the 49
event any device or substance intended to enhance an animal's 50
ability to fight or to inflict injury on another animal; 51

(e) Permit or cause a minor to be present at the event if 52
any person present at or involved with the event is conducting 53
any of the activities described in division (B) (1) or (B) (2) (a), 54
(b), (c), or (d) of this section. 55

(C) A person who knowingly witnesses cockfighting, 56
bearbaiting, or an event in which one animal is pitted against 57
another when a violation of division (B) of this section is 58
occurring at the cockfighting, bearbaiting, or event is an aider 59
and abettor and has committed a violation of this division. 60

Sec. 959.21. ~~(A) As used in this section:~~ 61

~~(1) "Animal" means a nonhuman mammal, bird, reptile, or~~ 62
~~amphibian, either dead or alive.~~ 63

~~(2) "Offense" means a violation of this section or an~~ 64
~~attempt, in violation of section 2923.02 of the Revised Code, to~~ 65
~~violate this section.~~ 66

~~(3) "Officer" has the same meaning as in section 959.132~~ 67
~~of the Revised Code.~~ 68

~~(4) "Sexual conduct" means either of the following~~ 69
~~committed for the purpose of sexual gratification:~~ 70

~~(a) Any act done between a person and animal that involves contact of the penis of one and the vulva of the other, the penis of one and the penis of the other, the penis of one and the anus of the other, the mouth of one and the penis of the other, the mouth of one and the anus of the other, the vulva of one and the vulva of the other, the mouth of one and the vulva of the other, any other contact between a reproductive organ of one and a reproductive organ of the other, or any other insertion of a reproductive organ of one into an orifice of the other;~~ 71-80

~~(b) Without a bona fide veterinary or animal husbandry purpose to do so, the insertion, however slight, of any part of a person's body or any instrument, apparatus, or other object into the vaginal, anal, or reproductive opening of an animal.~~ 81-84

~~(B) No person shall knowingly engage in sexual conduct with an animal or knowingly possess, sell, or purchase an animal with the intent that it be subjected to sexual conduct.~~ 85-87

~~(C) No person shall knowingly organize, promote, aid, or abet in the conduct of an act involving any sexual conduct with an animal.~~ 88-90

~~(D) An officer may seize and cause to be impounded at an impounding agency an animal that the officer has probable cause to believe is the subject of an offense. With respect to an animal so seized and impounded, all procedures and requirements that are established in section 959.132 of the Revised Code, and all other provisions of that section, apply to the seizure, impoundment, and disposition of the animal. References in section 959.132 of the Revised Code to "section 959.131 of the Revised Code," "companion animal," and "offense" shall be construed, respectively, as being references to "section 959.21-~~ 91-100

~~of the Revised Code" and to "animal" and "offense" as defined in~~ 101
~~this section, for purposes of application under this section~~ 102
~~only.~~ (A) As used in this section: 103

(1) "Animal" means a nonhuman mammal, bird, reptile, or 104
amphibian, either dead or alive. 105

(2) "Offense" means a violation of this section or an 106
attempt, in violation of section 2923.02 of the Revised Code, to 107
violate this section. 108

(3) "Officer" has the same meaning as in section 959.132 109
of the Revised Code. 110

(4) "Sexual conduct" means either of the following 111
committed for the purpose of sexual gratification: 112

(a) Any act done between a person and animal that involves 113
contact of the penis of one and the vulva of the other, the 114
penis of one and the penis of the other, the penis of one and 115
the anus of the other, the mouth of one and the penis of the 116
other, the mouth of one and the anus of the other, the vulva of 117
one and the vulva of the other, the mouth of one and the vulva 118
of the other, any other contact between a reproductive organ of 119
one and a reproductive organ of the other, or any other 120
insertion of a reproductive organ of one into an orifice of the 121
other; 122

(b) Without a bona fide veterinary or animal husbandry 123
purpose to do so, the insertion, however slight, of any part of 124
a person's body or any instrument, apparatus, or other object 125
into the vaginal, anal, or reproductive opening of an animal. 126

(B) No person shall knowingly engage in sexual conduct 127
with an animal or knowingly possess, sell, or purchase an animal 128
with the intent that it be subjected to sexual conduct. 129

(C) No person shall knowingly organize, promote, aid, or abet in the conduct of an act involving any sexual conduct with an animal. 130
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(D) An officer may seize and cause to be impounded at an impounding agency an animal that the officer has probable cause to believe is the subject of an offense. With respect to an animal so seized and impounded, all procedures and requirements that are established in section 959.132 of the Revised Code, and all other provisions of that section, apply to the seizure, impoundment, and disposition of the animal. References in section 959.132 of the Revised Code to "section 959.131 of the Revised Code," "companion animal," and "offense" shall be construed, respectively, as being references to "section 959.21 of the Revised Code" and to "animal" and "offense" as defined in this section, for purposes of application under this section only. 133
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Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of the Revised Code is guilty of a minor misdemeanor. 146
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(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. 148
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(C) Whoever violates section 959.03, 959.06, 959.12, or 959.17 ~~or division (A) of section 959.15~~ or division (A) of section 959.15 of the Revised Code is guilty of a misdemeanor of the fourth degree. 154
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(D) Whoever violates division (A) of section 959.13 ~~or~~ 158

~~section 959.21~~ or section 959.21 of the Revised Code is guilty 159
of a misdemeanor of the second degree. In addition, the court 160
may order the offender to forfeit the animal or livestock and 161
may provide for its disposition, including, but not limited to, 162
the sale of the animal or livestock. If an animal or livestock 163
is forfeited and sold pursuant to this division, the proceeds 164
from the sale first shall be applied to pay the expenses 165
incurred with regard to the care of the animal from the time it 166
was taken from the custody of the former owner. The balance of 167
the proceeds from the sale, if any, shall be paid to the former 168
owner of the animal. 169

(E) (1) Whoever violates division (B) of section 959.131 of 170
the Revised Code is guilty of a misdemeanor of the first degree 171
on a first offense and a felony of the fifth degree on each 172
subsequent offense. 173

(2) Whoever violates division (C) of section 959.131 of 174
the Revised Code is guilty of a felony of the fifth degree. 175

(3) Whoever violates section 959.01 of the Revised Code or 176
division (D) of section 959.131 of the Revised Code is guilty of 177
a misdemeanor of the second degree on a first offense and a 178
misdemeanor of the first degree on each subsequent offense. 179

(4) Whoever violates division (E) of section 959.131 of 180
the Revised Code is guilty of a felony of the fifth degree. 181

(5) Whoever violates division (F) of section 959.131 of 182
the Revised Code is guilty of a misdemeanor of the first degree. 183

(6) (a) A court may order a person who is convicted of or 184
pleads guilty to a violation of section 959.131 of the Revised 185
Code to forfeit to an impounding agency, as defined in section 186
959.132 of the Revised Code, any or all of the companion animals 187

in that person's ownership or care. The court also may prohibit 188
or place limitations on the person's ability to own or care for 189
any companion animals for a specified or indefinite period of 190
time. 191

(b) A court may order a person who is convicted of or 192
pleads guilty to a violation of section 959.131 of the Revised 193
Code to reimburse an impounding agency for the reasonably 194
necessary costs incurred by the agency for the care of a 195
companion animal that the agency impounded as a result of the 196
investigation or prosecution of the violation, provided that the 197
costs were not otherwise paid under section 959.132 of the 198
Revised Code. 199

(7) If a court has reason to believe that a person who is 200
convicted of or pleads guilty to a violation of section 959.131 201
~~or 959.21~~ or 959.21 of the Revised Code suffers from a mental or 202
emotional disorder that contributed to the violation, the court 203
may impose as a community control sanction or as a condition of 204
probation a requirement that the offender undergo psychological 205
evaluation or counseling. The court shall order the offender to 206
pay the costs of the evaluation or counseling. 207

(F) Whoever violates section 959.14 of the Revised Code is 208
guilty of a misdemeanor of the second degree on a first offense 209
and a misdemeanor of the first degree on each subsequent 210
offense. 211

(G) Whoever violates section 959.05 or 959.20 of the 212
Revised Code is guilty of a misdemeanor of the first degree. 213

(H) Whoever violates section 959.16 of the Revised Code is 214
guilty of a felony of the fourth degree for a first offense and 215
a felony of the third degree on each subsequent offense. 216

~~(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.~~ (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.

Section 2. That existing sections 959.15, 959.21, and 959.99 of the Revised Code are hereby repealed.

Section 3. Section 959.99 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 60 and Sub. S.B. 331 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 4. The amendments to sections 959.15, 959.21, and 959.99 of the Revised Code by this act are intended to re-enact the amendments to those sections made by Sub. S.B. 331 of the 131st General Assembly that were severed by the Sixth District Court of Appeals of Ohio in Toledo v. Ohio, 2018-Ohio-4534; 2018 Ohio App. LEXIS 4854 (6th Dist.) due to the determination that those provisions violated the one subject rule established under Article II, Section 15(D) of the Ohio Constitution.