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Sub. S. B. No. 164

Senators Hottinger, Yuko

Cosponsors: Senators Romanchuk, Craig, Huffman, S., Hackett, Antonio, Brenner, Cirino, Dolan, Johnson, Kunze, Lang, Rulli, Schaffer, Schuring, Sykes, Thomas Representatives Koehler, Miller, J., O'Brien, Rogers, Sheehy

A BILL

To amend sections 959.06, 959.131, 959.99, and 2901.01 of the Revised Code to revise the law and penalties associated with companion animal cruelty and to generally prohibit an animal shelter from destroying a domestic animal by the use of a gas chamber.

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

Section 1. That sections 959.06, 959.131, 959.99, and 2901.01 of the Revised Code be amended to read as follows:

Sec. 959.06. (A) As used in this section, "animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code, a dog pound operated pursuant to Chapter 955. of the Revised Code, or a local animal shelter that is operated by any entity of local government.

(B) No person shall destroy any domestic animal by the use of either of the following:

(1) A high altitude decompression chamber; 17
or ~~by any~~ 18

(2) Any method other than a method that immediately and 19
painlessly renders the domestic animal initially unconscious and 20
subsequently dead. 21

~~(B)~~ (C) (1) Except as provided in division (C) (2) of this 22
section, no animal shelter shall destroy a domestic animal by 23
the use of a carbon monoxide gas chamber, carbon dioxide gas 24
chamber, or any other nonanesthetic inhalant. 25

(2) An animal shelter may destroy a domestic animal by the 26
use of a carbon monoxide gas chamber, carbon dioxide gas 27
chamber, or any other nonanesthetic inhalant if the state 28
veterinary medical licensing board, in consultation with the 29
state board of pharmacy, declares that there is a shortage of 30
approved lethal injection substances. 31

(D) This section does not apply to or prohibit the 32
destruction of an animal under Chapter 941. of the Revised Code, 33
the slaughtering of livestock under Chapter 945. of the Revised 34
Code, or the taking of any wild animal, as defined in section 35
1531.01 of the Revised Code, when taken in accordance with 36
Chapter 1533. of the Revised Code. 37

(E) This section does not apply to either of the 38
following: 39

(1) The lawful practice of veterinary medicine by a person 40
who has been issued a license, temporary permit, or registration 41
certificate under Chapter 4741. of the Revised Code; 42

(2) An animal used in scientific research conducted by a 43
research facility in accordance with the federal animal welfare 44

act and related regulations. As used in division (E) (2) of this 45
section, "federal animal welfare act" has the same meaning as in 46
section 959.131 of the Revised Code. 47

(F) The offenses established under this section are strict 48
liability offenses and section 2901.20 of the Revised Code does 49
not apply. The designation of these offenses as strict liability 50
offenses shall not be construed to imply that any other offense, 51
for which there is no specified degree of culpability, is not a 52
strict liability offense. 53

Sec. 959.131. (A) As used in this section: 54

(1) "Companion animal" means any animal that is kept 55
inside a residential dwelling and any dog or cat regardless of 56
where it is kept, including a pet store as defined in section 57
956.01 of the Revised Code. "Companion animal" does not include 58
livestock or any wild animal. 59

(2) "Cruelty," "torment," and "torture" have the same 60
meanings as in section 1717.01 of the Revised Code. 61

(3) "Residential dwelling" means a structure or shelter or 62
the portion of a structure or shelter that is used by one or 63
more humans for the purpose of a habitation. 64

(4) "Practice of veterinary medicine" has the same meaning 65
as in section 4741.01 of the Revised Code. 66

(5) "Wild animal" has the same meaning as in section 67
1531.01 of the Revised Code. 68

(6) "Federal animal welfare act" means the "Laboratory 69
Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7
U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 71
1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal 72

Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 73
417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99- 74
198, 99 Stat. 1354 (1985), and as it may be subsequently 75
amended. 76

(7) "Dog kennel" means an animal rescue for dogs ~~that is~~ 77
~~registered under section 956.06 of the Revised Code,~~ a boarding 78
kennel, or a training kennel. 79

(8) "Boarding kennel" ~~has and~~ "animal rescue for dogs" 80
have the same ~~meaning~~ meanings as in section 956.01 of the 81
Revised Code. 82

(9) "Training kennel" means an establishment operating for 83
profit that keeps, houses, and maintains dogs for the purpose of 84
training the dogs in return for a fee or other consideration. 85

(10) "Livestock" means horses, mules, and other equidae; 86
cattle, sheep, goats, and other bovidae; swine and other suidae; 87
poultry; alpacas; llamas; captive white-tailed deer; and any 88
other animal that is raised or maintained domestically for food 89
or fiber. 90

(11) "Captive white-tailed deer" has the same meaning as 91
in section 1531.01 of the Revised Code. 92

(12) "Serious physical harm" means any of the following: 93

(a) Physical harm that carries an unnecessary or 94
unjustifiable substantial risk of death; 95

(b) Physical harm that involves either partial or total 96
permanent incapacity; 97

(c) Physical harm that involves acute pain of a duration 98
that results in substantial suffering or that involves any 99
degree of prolonged or intractable pain. 100

~~(d) Physical harm that results from a person who confines— 101
or who is the custodian or caretaker of a companion animal— 102
depriving the companion animal of good, wholesome food and water— 103
that proximately causes the death of the companion animal. 104~~

(B) No person shall knowingly torture, torment, needlessly 105
mutilate or maim, cruelly beat, poison, needlessly kill, or 106
commit an act of cruelty against a companion animal. 107

(C) No person shall knowingly cause serious physical harm 108
to a companion animal. 109

(D) No person who confines or who is the custodian or 110
caretaker of a companion animal shall negligently do any of the 111
following: 112

(1) Torture, torment, or commit an act of cruelty against 113
the companion animal; 114

(2) Deprive the companion animal of necessary sustenance 115
or confine the companion animal without supplying it during the 116
confinement with sufficient quantities of good, wholesome food 117
and water if it can reasonably be expected that the companion 118
animal would become sick or suffer in any other way as a result 119
of or due to the deprivation or confinement; 120

(3) Impound or confine the companion animal without 121
affording it, during the impoundment or confinement, with access 122
to shelter from heat, cold, wind, rain, snow, or excessive 123
direct sunlight if it can reasonably be expected that the 124
companion animal would become sick or suffer in any other way as 125
a result of or due to the lack of adequate shelter. 126

(E) No person who confines or who is the custodian or 127
caretaker of a companion animal shall recklessly deprive the 128
companion animal of necessary sustenance or confine the 129

companion animal without supplying it during the confinement 130
with sufficient quantities of good, wholesome food and water. 131

(F) No owner, manager, or employee of a dog kennel who 132
confines or is the custodian or caretaker of a companion animal 133
shall knowingly do any of the following: 134

(1) Torture, torment, needlessly mutilate or maim, cruelly 135
beat, poison, needlessly kill, or commit an act of cruelty 136
against the companion animal; 137

(2) Deprive the companion animal of necessary sustenance 138
or confine the companion animal without supplying it during the 139
confinement with sufficient quantities of good, wholesome food 140
and water if it is reasonably expected that the companion animal 141
would die or experience unnecessary or unjustifiable pain or 142
suffering as a result of the deprivation or confinement; 143

(3) Impound or confine the companion animal without 144
affording it, during the impoundment or confinement, with access 145
to shelter from heat, cold, wind, rain, snow, or excessive 146
direct sunlight if it is reasonably expected that the companion 147
animal would die or experience unnecessary or unjustifiable pain 148
or suffering as a result of or due to the lack of adequate 149
shelter. 150

~~(F)~~ (G) No owner, manager, or employee of a dog kennel who 151
confines or is the custodian or caretaker of a companion animal 152
shall negligently do any of the following: 153

(1) Torture, torment, or commit an act of cruelty against 154
the companion animal; 155

(2) Deprive the companion animal of necessary sustenance 156
or confine the companion animal without supplying it during the 157
confinement with sufficient quantities of good, wholesome food 158

and water if it can reasonably be expected that the companion 159
animal would become sick or suffer in any other way as a result 160
of or due to the deprivation or confinement; 161

(3) Impound or confine the companion animal without 162
affording it, during the impoundment or confinement, with access 163
to shelter from heat, cold, wind, rain, snow, or excessive 164
direct sunlight if it can reasonably be expected that the 165
companion animal would become sick or suffer in any other way as 166
a result of or due to the lack of adequate shelter. 167

~~(G)~~ (H) Divisions (B), (C), (D), (E), ~~and (F)~~, and (G) of 168
this section do not apply to any of the following: 169

(1) A companion animal used in scientific research 170
conducted by an institution in accordance with the federal 171
animal welfare act and related regulations; 172

(2) The lawful practice of veterinary medicine by a person 173
who has been issued a license, temporary permit, or registration 174
certificate to do so under Chapter 4741. of the Revised Code; 175

(3) Dogs being used or intended for use for hunting or 176
field trial purposes, provided that the dogs are being treated 177
in accordance with usual and commonly accepted practices for the 178
care of hunting dogs; 179

(4) The use of common training devices, if the companion 180
animal is being treated in accordance with usual and commonly 181
accepted practices for the training of animals; 182

(5) The administering of medicine to a companion animal 183
that was properly prescribed by a person who has been issued a 184
license, temporary permit, or registration certificate under 185
Chapter 4741. of the Revised Code. 186

~~(H)~~ (I) Notwithstanding any section of the Revised Code 187
that otherwise provides for the distribution of fine moneys, the 188
clerk of court shall forward all fines the clerk collects that 189
are so imposed for any violation of this section to the 190
treasurer of the political subdivision or the state, whose 191
county humane society or law enforcement agency is to be paid 192
the fine money as determined under this division. The treasurer 193
to whom the fines are forwarded shall pay the fine moneys to the 194
county humane society or the county, township, municipal 195
corporation, or state law enforcement agency in this state that 196
primarily was responsible for or involved in the investigation 197
and prosecution of the violation. If a county humane society 198
receives any fine moneys under this division, the county humane 199
society shall use the fine moneys either to provide the training 200
that is required for humane society agents under section 201
1717.061 of the Revised Code or to provide additional training 202
for humane society agents. 203

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 204
of the Revised Code is guilty of a minor misdemeanor. 205

(B) Except as otherwise provided in this division, whoever 206
violates section 959.02 of the Revised Code is guilty of a 207
misdemeanor of the second degree. If the value of the animal 208
killed or the injury done amounts to three hundred dollars or 209
more, whoever violates section 959.02 of the Revised Code is 210
guilty of a misdemeanor of the first degree. 211

(C) Whoever violates section 959.03, 959.06, division (C) 212
of section 959.09, 959.12, or 959.17 or division (A) of section 213
959.15 of the Revised Code is guilty of a misdemeanor of the 214
fourth degree. 215

(D) Whoever violates division (A) of section 959.13 or 216

section 959.21 of the Revised Code is guilty of a misdemeanor of 217
the second degree. In addition, the court may order the offender 218
to forfeit the animal or livestock and may provide for its 219
disposition, including, but not limited to, the sale of the 220
animal or livestock. If an animal or livestock is forfeited and 221
sold pursuant to this division, the proceeds from the sale first 222
shall be applied to pay the expenses incurred with regard to the 223
care of the animal from the time it was taken from the custody 224
of the former owner. The balance of the proceeds from the sale, 225
if any, shall be paid to the former owner of the animal. 226

(E) (1) Whoever violates division (B) or (E) of section 227
959.131 of the Revised Code is guilty of a misdemeanor of the 228
first degree on a first offense and a felony of the fifth degree 229
on each subsequent offense. 230

(2) Whoever violates division (C) of section 959.131 of 231
the Revised Code is guilty of a felony of the fifth degree. 232

(3) Whoever violates section 959.01 of the Revised Code or 233
division (D) of section 959.131 of the Revised Code is guilty of 234
a misdemeanor of the second degree on a first offense and a 235
misdemeanor of the first degree on each subsequent offense. 236

(4) Whoever violates division ~~(E)~~ (F) of section 959.131 237
of the Revised Code is guilty of a felony of the fifth degree. 238

(5) Whoever violates division ~~(F)~~ (G) of section 959.131 239
of the Revised Code is guilty of a misdemeanor of the first 240
degree. 241

(6) (a) A court may order a person who is convicted of or 242
pleads guilty to a violation of section 959.131 of the Revised 243
Code to forfeit to an impounding agency, as defined in section 244
959.132 of the Revised Code, any or all of the companion animals 245

in that person's ownership or care. The court also may prohibit 246
or place limitations on the person's ability to own or care for 247
any companion animals for a specified or indefinite period of 248
time. 249

(b) A court may order a person who is convicted of or 250
pleads guilty to a violation of division (A) of section 959.13 251
or section 959.131 of the Revised Code to reimburse an 252
impounding agency for the reasonable and necessary costs 253
incurred by the agency for the care of an animal or livestock 254
that the agency impounded as a result of the investigation or 255
prosecution of the violation, provided that the costs were not 256
otherwise paid under section 959.132 of the Revised Code. 257

(7) If a court has reason to believe that a person who is 258
convicted of or pleads guilty to a violation of section 959.131 259
or 959.21 of the Revised Code suffers from a mental or emotional 260
disorder that contributed to the violation, the court may impose 261
as a community control sanction or as a condition of probation a 262
requirement that the offender undergo psychological evaluation 263
or counseling. The court shall order the offender to pay the 264
costs of the evaluation or counseling. 265

(F) Whoever violates section 959.14 of the Revised Code is 266
guilty of a misdemeanor of the second degree on a first offense 267
and a misdemeanor of the first degree on each subsequent 268
offense. 269

(G) Whoever violates section 959.05 or 959.20 of the 270
Revised Code is guilty of a misdemeanor of the first degree. 271

(H) Whoever violates section 959.16 of the Revised Code is 272
guilty of a felony of the fourth degree for a first offense and 273
a felony of the third degree on each subsequent offense. 274

(I) Whoever violates division (B) or (C) of section 959.15 275
of the Revised Code is guilty of a felony and shall be fined not 276
more than ten thousand dollars. 277

Sec. 2901.01. (A) As used in the Revised Code: 278

(1) "Force" means any violence, compulsion, or constraint 279
physically exerted by any means upon or against a person or 280
thing. 281

(2) "Deadly force" means any force that carries a 282
substantial risk that it will proximately result in the death of 283
any person. 284

(3) "Physical harm to persons" means any injury, illness, 285
or other physiological impairment, regardless of its gravity or 286
duration. 287

(4) "Physical harm to property" means any tangible or 288
intangible damage to property that, in any degree, results in 289
loss to its value or interferes with its use or enjoyment. 290
"Physical harm to property" does not include wear and tear 291
occasioned by normal use. 292

(5) "Serious physical harm to persons" means any of the 293
following: 294

(a) Any mental illness or condition of such gravity as 295
would normally require hospitalization or prolonged psychiatric 296
treatment; 297

(b) Any physical harm that carries a substantial risk of 298
death; 299

(c) Any physical harm that involves some permanent 300
incapacity, whether partial or total, or that involves some 301
temporary, substantial incapacity; 302

| | |
|---|-----|
| (d) Any physical harm that involves some permanent | 303 |
| disfigurement or that involves some temporary, serious | 304 |
| disfigurement; | 305 |
| (e) Any physical harm that involves acute pain of such | 306 |
| duration as to result in substantial suffering or that involves | 307 |
| any degree of prolonged or intractable pain. | 308 |
| (6) "Serious physical harm to property" means any physical | 309 |
| harm to property that does either of the following: | 310 |
| (a) Results in substantial loss to the value of the | 311 |
| property or requires a substantial amount of time, effort, or | 312 |
| money to repair or replace; | 313 |
| (b) Temporarily prevents the use or enjoyment of the | 314 |
| property or substantially interferes with its use or enjoyment | 315 |
| for an extended period of time. | 316 |
| (7) "Risk" means a significant possibility, as contrasted | 317 |
| with a remote possibility, that a certain result may occur or | 318 |
| that certain circumstances may exist. | 319 |
| (8) "Substantial risk" means a strong possibility, as | 320 |
| contrasted with a remote or significant possibility, that a | 321 |
| certain result may occur or that certain circumstances may | 322 |
| exist. | 323 |
| (9) "Offense of violence" means any of the following: | 324 |
| (a) A violation of section 2903.01, 2903.02, 2903.03, | 325 |
| 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, | 326 |
| 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, | 327 |
| 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, | 328 |
| 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, | 329 |
| 2921.34, or 2923.161, of division (A)(1) of section 2903.34, of | 330 |

division (A) (1), (2), or (3) of section 2911.12, or of division 331
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code 332
or felonious sexual penetration in violation of former section 333
2907.12 of the Revised Code; 334

(b) A violation of an existing or former municipal 335
ordinance or law of this or any other state or the United 336
States, substantially equivalent to any section, division, or 337
offense listed in division (A) (9) (a) of this section; 338

(c) An offense, other than a traffic offense, under an 339
existing or former municipal ordinance or law of this or any 340
other state or the United States, committed purposely or 341
knowingly, and involving physical harm to persons or a risk of 342
serious physical harm to persons; 343

(d) A conspiracy or attempt to commit, or complicity in 344
committing, any offense under division (A) (9) (a), (b), or (c) of 345
this section; 346

(e) A violation of division (C) of section 959.131 of the 347
Revised Code. 348

(10) (a) "Property" means any property, real or personal, 349
tangible or intangible, and any interest or license in that 350
property. "Property" includes, but is not limited to, cable 351
television service, other telecommunications service, 352
telecommunications devices, information service, computers, 353
data, computer software, financial instruments associated with 354
computers, other documents associated with computers, or copies 355
of the documents, whether in machine or human readable form, 356
trade secrets, trademarks, copyrights, patents, and property 357
protected by a trademark, copyright, or patent. "Financial 358
instruments associated with computers" include, but are not 359

limited to, checks, drafts, warrants, money orders, notes of 360
indebtedness, certificates of deposit, letters of credit, bills 361
of credit or debit cards, financial transaction authorization 362
mechanisms, marketable securities, or any computer system 363
representations of any of them. 364

(b) As used in division (A) (10) of this section, "trade 365
secret" has the same meaning as in section 1333.61 of the 366
Revised Code, and "telecommunications service" and "information 367
service" have the same meanings as in section 2913.01 of the 368
Revised Code. 369

(c) As used in divisions (A) (10) and (13) of this section, 370
"cable television service," "computer," "computer software," 371
"computer system," "computer network," "data," and 372
"telecommunications device" have the same meanings as in section 373
2913.01 of the Revised Code. 374

(11) "Law enforcement officer" means any of the following: 375

(a) A sheriff, deputy sheriff, constable, police officer 376
of a township or joint police district, marshal, deputy marshal, 377
municipal police officer, member of a police force employed by a 378
metropolitan housing authority under division (D) of section 379
3735.31 of the Revised Code, or state highway patrol trooper; 380

(b) An officer, agent, or employee of the state or any of 381
its agencies, instrumentalities, or political subdivisions, upon 382
whom, by statute, a duty to conserve the peace or to enforce all 383
or certain laws is imposed and the authority to arrest violators 384
is conferred, within the limits of that statutory duty and 385
authority; 386

(c) A mayor, in the mayor's capacity as chief conservator 387
of the peace within the mayor's municipal corporation; 388

(d) A member of an auxiliary police force organized by 389
county, township, or municipal law enforcement authorities, 390
within the scope of the member's appointment or commission; 391

(e) A person lawfully called pursuant to section 311.07 of 392
the Revised Code to aid a sheriff in keeping the peace, for the 393
purposes and during the time when the person is called; 394

(f) A person appointed by a mayor pursuant to section 395
~~737.01~~737.10 of the Revised Code as a special patrolling 396
officer during riot or emergency, for the purposes and during 397
the time when the person is appointed; 398

(g) A member of the organized militia of this state or the 399
armed forces of the United States, lawfully called to duty to 400
aid civil authorities in keeping the peace or protect against 401
domestic violence; 402

(h) A prosecuting attorney, assistant prosecuting 403
attorney, secret service officer, or municipal prosecutor; 404

(i) A veterans' home police officer appointed under 405
section 5907.02 of the Revised Code; 406

(j) A member of a police force employed by a regional 407
transit authority under division (Y) of section 306.35 of the 408
Revised Code; 409

(k) A special police officer employed by a port authority 410
under section 4582.04 or 4582.28 of the Revised Code; 411

(l) The house of representatives sergeant at arms if the 412
house of representatives sergeant at arms has arrest authority 413
pursuant to division (E)(1) of section 101.311 of the Revised 414
Code and an assistant house of representatives sergeant at arms; 415

(m) The senate sergeant at arms and an assistant senate 416

sergeant at arms; 417

(n) A special police officer employed by a municipal 418
corporation at a municipal airport, or other municipal air 419
navigation facility, that has scheduled operations, as defined 420
in section 119.3 of Title 14 of the Code of Federal Regulations, 421
14 C.F.R. 119.3, as amended, and that is required to be under a 422
security program and is governed by aviation security rules of 423
the transportation security administration of the United States 424
department of transportation as provided in Parts 1542. and 425
1544. of Title 49 of the Code of Federal Regulations, as 426
amended. 427

(12) "Privilege" means an immunity, license, or right 428
conferred by law, bestowed by express or implied grant, arising 429
out of status, position, office, or relationship, or growing out 430
of necessity. 431

(13) "Contraband" means any property that is illegal for a 432
person to acquire or possess under a statute, ordinance, or 433
rule, or that a trier of fact lawfully determines to be illegal 434
to possess by reason of the property's involvement in an 435
offense. "Contraband" includes, but is not limited to, all of 436
the following: 437

(a) Any controlled substance, as defined in section 438
3719.01 of the Revised Code, or any device or paraphernalia; 439

(b) Any unlawful gambling device or paraphernalia; 440

(c) Any dangerous ordnance or obscene material. 441

(14) A person is "not guilty by reason of insanity" 442
relative to a charge of an offense only if the person proves, in 443
the manner specified in section 2901.05 of the Revised Code, 444
that at the time of the commission of the offense, the person 445

did not know, as a result of a severe mental disease or defect, 446
the wrongfulness of the person's acts. 447

(B) (1) (a) Subject to division (B) (2) of this section, as 448
used in any section contained in Title XXIX of the Revised Code 449
that sets forth a criminal offense, "person" includes all of the 450
following: 451

(i) An individual, corporation, business trust, estate, 452
trust, partnership, and association; 453

(ii) An unborn human who is viable. 454

(b) As used in any section contained in Title XXIX of the 455
Revised Code that does not set forth a criminal offense, 456
"person" includes an individual, corporation, business trust, 457
estate, trust, partnership, and association. 458

(c) As used in division (B) (1) (a) of this section: 459

(i) "Unborn human" means an individual organism of the 460
species *Homo sapiens* from fertilization until live birth. 461

(ii) "Viable" means the stage of development of a human 462
fetus at which there is a realistic possibility of maintaining 463
and nourishing of a life outside the womb with or without 464
temporary artificial life-sustaining support. 465

(2) Notwithstanding division (B) (1) (a) of this section, in 466
no case shall the portion of the definition of the term "person" 467
that is set forth in division (B) (1) (a) (ii) of this section be 468
applied or construed in any section contained in Title XXIX of 469
the Revised Code that sets forth a criminal offense in any of 470
the following manners: 471

(a) Except as otherwise provided in division (B) (2) (a) of 472
this section, in a manner so that the offense prohibits or is 473

construed as prohibiting any pregnant woman or her physician 474
from performing an abortion with the consent of the pregnant 475
woman, with the consent of the pregnant woman implied by law in 476
a medical emergency, or with the approval of one otherwise 477
authorized by law to consent to medical treatment on behalf of 478
the pregnant woman. An abortion that violates the conditions 479
described in the immediately preceding sentence may be punished 480
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 481
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 482
2903.21, or 2903.22 of the Revised Code, as applicable. An 483
abortion that does not violate the conditions described in the 484
second immediately preceding sentence, but that does violate 485
section 2919.12, division (B) of section 2919.13, or section 486
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 487
be punished as a violation of section 2919.12, division (B) of 488
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 489
2919.18 of the Revised Code, as applicable. Consent is 490
sufficient under this division if it is of the type otherwise 491
adequate to permit medical treatment to the pregnant woman, even 492
if it does not comply with section 2919.12 of the Revised Code. 493

(b) In a manner so that the offense is applied or is 494
construed as applying to a woman based on an act or omission of 495
the woman that occurs while she is or was pregnant and that 496
results in any of the following: 497

(i) Her delivery of a stillborn baby; 498

(ii) Her causing, in any other manner, the death in utero 499
of a viable, unborn human that she is carrying; 500

(iii) Her causing the death of her child who is born alive 501
but who dies from one or more injuries that are sustained while 502
the child is a viable, unborn human; 503

| | |
|--|--|
| (iv) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human; | 504 505 |
| (v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying. | 506 507 508 509 510 |
| (C) As used in Title XXIX of the Revised Code: | 511 |
| (1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus. | 512 513 |
| (2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code. | 514 515 516 |
| (3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code. | 517 518 519 520 521 522 523 524 |
| (4) "School bus" has the same meaning as in section 4511.01 of the Revised Code. | 525 526 |
| Section 2. That existing sections 959.06, 959.131, 959.99, and 2901.01 of the Revised Code are hereby repealed. | 527 528 |
| Section 3. Section 959.99 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 24 and H.B. 33 of the 133rd General Assembly. The General | 529 530 531 |

Assembly, applying the principle stated in division (B) of 532
section 1.52 of the Revised Code that amendments are to be 533
harmonized if reasonably capable of simultaneous operation, 534
finds that the composite is the resulting version of the section 535
in effect prior to the effective date of the section as 536
presented in this act. 537