

As Introduced

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H. B. No. 417

Representatives Plummer, Young

To amend sections 109.803, 955.54, 955.99, 959.131, 1
959.99, 2921.321, and 2929.18 and to enact 2
sections 955.55, 955.56, and 955.57 of the 3
Revised Code to prohibit the abuse of a 4
companion animal corpse, to prohibit an animal 5
abuse offender from owning a dog in certain 6
circumstances, and to establish mandatory fines 7
for violations of an animal abuse offense. 8

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

Section 1. That sections 109.803, 955.54, 955.99, 959.131, 9
959.99, 2921.321, and 2929.18 be amended and sections 955.55, 10
955.56, and 955.57 of the Revised Code be enacted to read as 11
follows: 12

Sec. 109.803. (A) (1) Subject to divisions (A) (2) and (B) 13
of this section, every appointing authority shall require each 14
of its appointed peace officers and troopers to complete twenty- 15
four hours of continuing professional training each calendar 16
year. Twenty-four hours is intended to be a minimum requirement, 17
and appointing authorities are encouraged to exceed the twenty- 18
four hour minimum. A minimum of twenty-four hours of continuing 19
professional training shall be reimbursed each calendar year and 20
a maximum of forty hours of continuing professional training may 21

be reimbursed each calendar year. At least two hours of such 22
continuing professional training shall be dedicated to the 23
education of laws governing animal welfare and cruelty under 24
Chapter 959. of the Revised Code. 25

(2) An appointing authority may submit a written request 26
to the peace officer training commission that requests for a 27
calendar year because of emergency circumstances an extension of 28
the time within which one or more of its appointed peace 29
officers or troopers must complete the required minimum number 30
of hours of continuing professional training set by the 31
commission, as described in division (A)(1) of this section. A 32
request made under this division shall set forth the name of 33
each of the appointing authority's peace officers or troopers 34
for whom an extension is requested, identify the emergency 35
circumstances related to that peace officer or trooper, include 36
documentation of those emergency circumstances, and set forth 37
the date on which the request is submitted to the commission. A 38
request shall be made under this division not later than the 39
fifteenth day of December in the calendar year for which the 40
extension is requested. 41

Upon receipt of a written request made under this 42
division, the executive director of the commission shall review 43
the request and the submitted documentation. If the executive 44
director of the commission is satisfied that emergency 45
circumstances exist for any peace officer or trooper for whom a 46
request was made under this division, the executive director may 47
approve the request for that peace officer or trooper and grant 48
an extension of the time within which that peace officer or 49
trooper must complete the required minimum number of hours of 50
continuing professional training set by the commission. An 51
extension granted under this division may be for any period of 52

time the executive director believes to be appropriate, and the 53
executive director shall specify in the notice granting the 54
extension the date on which the extension ends. Not later than 55
thirty days after the date on which a request is submitted to 56
the commission, for each peace officer and trooper for whom an 57
extension is requested, the executive director either shall 58
approve the request and grant an extension or deny the request 59
and deny an extension and shall send to the appointing authority 60
that submitted the request written notice of the executive 61
director's decision. 62

If the executive director grants an extension of the time 63
within which a particular appointed peace officer or trooper of 64
an appointing authority must complete the required minimum 65
number of hours of continuing professional training set by the 66
commission, the appointing authority shall require that peace 67
officer or trooper to complete the required minimum number of 68
hours of training not later than the date on which the extension 69
ends. 70

(B) With the advice of the Ohio peace officer training 71
commission, the attorney general shall adopt in accordance with 72
Chapter 119. of the Revised Code rules setting forth minimum 73
standards for continuing professional training for peace 74
officers and troopers and governing the administration of 75
continuing professional training programs for peace officers and 76
troopers. The rules adopted by the attorney general under 77
division (B) of this section shall do all of the following: 78

(1) Allow peace officers and troopers to earn credit for 79
up to four hours of continuing professional training for time 80
spent while on duty providing drug use prevention education 81
training that utilizes evidence-based curricula to students in 82

school districts, community schools established under Chapter 83
3314., STEM schools established under Chapter 3326., and 84
college-preparatory boarding schools established under Chapter 85
3328. of the Revised Code. 86

(2) Allow a peace officer or trooper appointed by a law 87
enforcement agency to earn hours of continuing professional 88
training for other peace officers or troopers appointed by the 89
law enforcement agency by providing drug use prevention 90
education training under division (B) (1) of this section so that 91
hours earned by the peace officer or trooper providing the 92
training in excess of four hours may be applied to offset the 93
number of continuing professional training hours required of 94
another peace officer or trooper appointed by that law 95
enforcement agency. 96

(3) Prohibit the use of continuing professional training 97
hours earned under division (B) (1) or (2) of this section from 98
being used to offset any mandatory hands-on training 99
requirement. 100

(4) Require a peace officer to complete training on proper 101
interactions with civilians during traffic stops and other in- 102
person encounters, which training shall have an online offering 103
and shall include all of the following topics: 104

(a) A person's rights during an interaction with a peace 105
officer, including all of the following: 106

(i) When a peace officer may require a person to exit a 107
vehicle; 108

(ii) Constitutional protections from illegal search and 109
seizure; 110

(iii) The rights of a passenger in a vehicle who has been 111

pulled over for a traffic stop;	112
(iv) The right for a citizen to record an encounter with a peace officer.	113 114
(b) Proper actions for interacting with a civilian and methods for diffusing a stressful encounter with a civilian;	115 116
(c) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws;	117 118 119 120
(d) Any other requirements and procedures necessary for the proper implementation of this section.	121 122
(C) The attorney general shall transmit a certified copy of any rule adopted under this section to the secretary of state.	123 124 125
(D) As used in this section:	126
(1) "Peace officer" has the same meaning as in section 109.71 of the Revised Code.	127 128
(2) "Trooper" means an individual appointed as a state highway patrol trooper under section 5503.01 of the Revised Code.	129 130 131
(3) "Appointing authority" means any agency or entity that appoints a peace officer or trooper.	132 133
Sec. 955.54. (A) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after the effective date of this section <u>May 22, 2012,</u> or a felony violation of any provision of Chapter 959.7 2923.7 or 2925. of the Revised Code committed on or after the effective date of	134 135 136 137 138

~~this section~~ May 22, 2012, shall knowingly own, possess, have 139
custody of, or reside in a residence with either of the 140
following for a period of three years commencing either upon the 141
date of release of the person from any period of incarceration 142
imposed for the offense or violation or, if the person is not 143
incarcerated for the offense or violation, upon the date ~~of the~~ 144
~~person's final release from the other sanctions imposed for that~~ 145
the person plead guilty to or was convicted of the offense or 146
violation: 147

(1) An unspayed or unneutered dog older than twelve weeks 148
of age; 149

(2) Any dog that has been determined to be a dangerous dog 150
under Chapter 955. of the Revised Code. 151

(B) A person described in division (A) of this section 152
shall microchip for permanent identification any dog owned, 153
possessed by, or in the custody of the person. 154

(C) (1) Division (A) of this section does not apply to any 155
person who is confined in a correctional institution of the 156
department of rehabilitation and correction. 157

(2) Division (A) of this section does not apply to any 158
person with respect to any dog that the person owned, possessed, 159
had custody of, or resided in a residence with prior to ~~the~~ 160
~~effective date of this section~~ May 22, 2012. 161

Sec. 955.55. (A) As used in this section, "animal abuse 162
offense" means a violation of section 959.01, 959.02, 959.03, 163
959.06, 959.13, 959.131, 959.14, 959.15, 959.16, 959.17, 959.18, 164
959.20, 959.21, or 2921.321 of the Revised Code. 165

(B) No person who is convicted of or pleads guilty to a 166
felony animal abuse offense committed on or after the effective 167

date of this section shall knowingly own, possess, have custody 168
of, or reside in a residence with any dog. 169

(C) No person who is convicted of or pleads guilty to a 170
misdemeanor animal abuse offense committed on or after the 171
effective date of this section shall knowingly own, possess, 172
have custody of, or reside in a residence with any dog for a 173
period of two years commencing either upon the date of release 174
of the person from any period of incarceration imposed for the 175
offense or, if the person is not incarcerated for the offense, 176
upon the date that the person is convicted of or pleads guilty 177
to the offense. 178

(D) Upon a person being convicted of or pleading guilty to 179
a felony or misdemeanor animal abuse offense, the applicable 180
court shall, within a reasonable period of time, notify the 181
auditor of state of such conviction or guilty plea. 182

(E) The auditor of state shall establish a "Do Not Adopt" 183
registry of all persons described in divisions (B) and (C) of 184
this section. A person described in division (C) of this section 185
shall only be on the registry for the two-year period that the 186
person is prohibited from owning, possessing, having custody of, 187
or residing in a residence with any dog as specified in that 188
division. The auditor of state shall make such registry publicly 189
available via its web site. 190

Sec. 955.56. (A) The director of agriculture shall 191
establish a statewide dangerous and vicious dog registry that 192
lists the name and address of every person who has been issued a 193
dangerous dog registration certificate from a county auditor 194
under this chapter. The director shall make the registry 195
publicly available on the department of agriculture's web site. 196

(B) Each county auditor, not more than ninety days after 197
the effective date of this section, shall submit a list of the 198
names and corresponding addresses of every person who has been 199
issued a dangerous dog registration certificate to the director. 200
Thereafter, each county auditor shall notify the director in a 201
timely manner of any new person who registers a dangerous or 202
vicious dog with the county auditor. A county auditor also shall 203
notify the director whenever the county auditor becomes aware of 204
an address change for a dangerous or vicious dog. 205

(C) A person may petition the director, in a manner 206
established by the director, to have the person's name and 207
address removed from the registry if the person transfers 208
ownership of the dangerous or vicious dog or if the dangerous or 209
vicious dog dies. 210

Sec. 955.57. Prior to adopting out or transferring 211
ownership of a dog, a dog pound operated by a municipal 212
corporation or by a county under this chapter or a humane 213
society established in accordance with Chapter 1717. of the 214
Revised Code shall ensure that the dog has been spayed or 215
neutered. 216

Sec. 955.99. (A) (1) Whoever violates division (E) of 217
section 955.11 of the Revised Code because of a failure to 218
comply with division (B) of that section is guilty of a minor 219
misdemeanor. 220

(2) Whoever violates division (E) of section 955.11 of the 221
Revised Code because of a failure to comply with division (C) or 222
(D) of that section is guilty of a minor misdemeanor on a first 223
offense and of a misdemeanor of the fourth degree on each 224
subsequent offense. 225

(B) Whoever violates section 955.10, 955.23, 955.24, or 955.25 of the Revised Code is guilty of a minor misdemeanor.	226 227
(C) Whoever violates section 955.261, 955.39, or 955.50 of the Revised Code is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.	228 229 230 231
(D) Whoever violates division (F) of section 955.16 or division (B) of section 955.43 of the Revised Code is guilty of a misdemeanor of the fourth degree.	232 233 234
(E) (1) Whoever violates section 955.21 of the Revised Code, violates division (B) of section 955.22 of the Revised Code, or commits a violation of division (C) of section 955.22 of the Revised Code that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.	235 236 237 238 239 240 241 242 243
(2) In addition to the penalties prescribed in division (E) (1) of this section, if the offender is guilty of a violation of division (B) of section 955.22 of the Revised Code or a violation of division (C) of section 955.22 of the Revised Code that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.	244 245 246 247 248 249 250 251 252
(F) (1) Whoever commits a violation of division (C) of section 955.22 of the Revised Code that involves a nuisance dog	253 254

is guilty of a minor misdemeanor on the first offense and of a 255
misdemeanor of the fourth degree on each subsequent offense 256
involving the same dog. Upon a person being convicted of or 257
pleading guilty to a third violation of division (C) of section 258
955.22 of the Revised Code involving the same dog, the court 259
shall require the offender to register the involved dog as a 260
dangerous dog. 261

(2) In addition to the penalties prescribed in division 262
(F) (1) of this section, if a violation of division (C) of 263
section 955.22 of the Revised Code involves a nuisance dog, the 264
court may order the offender to personally supervise the 265
nuisance dog that the offender owns, keeps, or harbors, to cause 266
that dog to complete dog obedience training, or to do both. 267

(G) Whoever commits a violation of division (C) of section 268
955.22 of the Revised Code that involves a dangerous dog or a 269
violation of division (D) of that section is guilty of a 270
misdemeanor of the fourth degree on a first offense and of a 271
misdemeanor of the third degree on each subsequent offense. 272
Additionally, the court may order the offender to personally 273
supervise the dangerous dog that the offender owns, keeps, or 274
harbors, to cause that dog to complete dog obedience training, 275
or to do both, and the court may order the offender to obtain 276
liability insurance pursuant to division (E) of section 955.22 277
of the Revised Code. The court, in the alternative, may order 278
the dangerous dog to be humanely destroyed by a licensed 279
veterinarian, the county dog warden, or the county humane 280
society at the owner's expense. With respect to a violation of 281
division (C) of section 955.22 of the Revised Code that involves 282
a dangerous dog, until the court makes a final determination and 283
during the pendency of any appeal of a violation of that 284
division and at the discretion of the dog warden, the dog shall 285

be confined or restrained in accordance with division (D) of 286
section 955.22 of the Revised Code or at the county dog pound at 287
the owner's expense. 288

(H) (1) Whoever commits a violation of division (C) of 289
section 955.22 of the Revised Code that involves a vicious dog 290
is guilty of one of the following: 291

(a) A felony of the fourth degree if the dog kills a 292
person. Additionally, the court shall order that the vicious dog 293
be humanely destroyed by a licensed veterinarian, the county dog 294
warden, or the county humane society at the owner's expense. 295

(b) A misdemeanor of the first degree if the dog causes 296
serious injury to a person. Additionally, the court may order 297
the vicious dog to be humanely destroyed by a licensed 298
veterinarian, the county dog warden, or the county humane 299
society at the owner's expense. 300

(2) If the court does not order the vicious dog to be 301
destroyed under division (H) (1) (b) of this section, the court 302
shall issue an order that specifies that division (D) of section 303
955.11 and divisions (D) to (I) of section 955.22 of the Revised 304
Code apply with respect to the dog and the owner, keeper, or 305
harborer of the dog as if the dog were a dangerous dog and that 306
section 955.54 of the Revised Code applies with respect to the 307
dog as if it were a dangerous dog. As part of the order, the 308
court shall order the offender to obtain the liability insurance 309
required under division (E) (1) of section 955.22 of the Revised 310
Code in an amount, exclusive of interest and costs, that equals 311
or exceeds one hundred thousand dollars. Until the court makes a 312
final determination and during the pendency of any appeal of a 313
violation of division (C) of section 955.22 of the Revised Code 314
and at the discretion of the dog warden, the dog shall be 315

confined or restrained in accordance with the provisions 316
described in division (D) of section 955.22 of the Revised Code 317
or at the county dog pound at the owner's expense. 318

(I) Whoever violates division (A) (2) of section 955.01 of 319
the Revised Code is guilty of a misdemeanor of the first degree. 320

(J) Whoever violates division (E) (2) of section 955.22 of 321
the Revised Code is guilty of a misdemeanor of the fourth 322
degree. 323

(K) Whoever violates division (C) of section 955.221 of 324
the Revised Code is guilty of a minor misdemeanor. Each day of 325
continued violation constitutes a separate offense. Fines levied 326
and collected for violations of that division shall be 327
distributed by the mayor or clerk of the municipal or county 328
court in accordance with section 733.40, division (F) of section 329
1901.31, or division (C) of section 1907.20 of the Revised Code 330
to the treasury of the county, township, or municipal 331
corporation whose resolution or ordinance was violated. 332

(L) Whoever violates division (F) (1), (2), or (3) of 333
section 955.22 of the Revised Code is guilty of a felony of the 334
fourth degree. Additionally, the court shall order that the dog 335
involved in the violation be humanely destroyed by a licensed 336
veterinarian, the county dog warden, or the county humane 337
society. Until the court makes a final determination and during 338
the pendency of any appeal of a violation of division (F) (1), 339
(2), or (3) of section 955.22 of the Revised Code and at the 340
discretion of the dog warden, the dog shall be confined or 341
restrained in accordance with the provisions of division (D) of 342
section 955.22 of the Revised Code or at the county dog pound at 343
the owner's expense. 344

(M) Whoever violates division (E) (1), (3), or (4) of 345
section 955.22 of the Revised Code is guilty of a minor 346
misdemeanor. 347

(N) Whoever violates division (I) (4) of section 955.22 of 348
the Revised Code is guilty of a minor misdemeanor. 349

(O) Whoever violates division (A) or (B) of section 955.54 350
or division (B) or (C) of section 955.55 of the Revised Code is 351
guilty of a misdemeanor of the first degree. 352

(P) (1) If a dog is confined at the county dog pound 353
pursuant to division (G), (H), or (L) of this section, the 354
county dog warden shall give written notice of the confinement 355
to the owner of the dog. If the county dog warden is unable to 356
give the notice to the owner of the dog, the county dog warden 357
shall post the notice on the door of the residence of the owner 358
of the dog or in another conspicuous place on the premises at 359
which the dog was seized. The notice shall include a statement 360
that a security in the amount of one hundred dollars is due to 361
the county dog warden within ten days to secure payment of all 362
reasonable expenses, including medical care and boarding of the 363
dog for sixty days, expected to be incurred by the county dog 364
pound in caring for the dog pending the determination. The 365
county dog warden may draw from the security any actual costs 366
incurred in caring for the dog. 367

(2) If the person ordered to post security under division 368
(P) (1) of this section does not do so within ten days of the 369
confinement of the animal, the dog is forfeited, and the county 370
dog warden may determine the disposition of the dog unless the 371
court issues an order that specifies otherwise. 372

(3) Not more than ten days after the court makes a final 373

determination under division (G), (H), or (L) of this section, 374
the county dog warden shall provide the owner of the dog with 375
the actual cost of the confinement of the dog. If the county dog 376
warden finds that the security provided under division (P) (1) of 377
this section is less than the actual cost of confinement of the 378
dog, the owner shall remit the difference between the security 379
provided and the actual cost to the county dog warden within 380
thirty days after the court's determination. If the county dog 381
warden finds that the security provided under division (P) (1) of 382
this section is greater than that actual cost, the county dog 383
warden shall remit the difference between the security provided 384
and the actual cost to the owner within thirty days after the 385
court's determination. 386

(Q) As used in this section, "nuisance dog," "dangerous 387
dog," and "vicious dog" have the same meanings as in section 388
955.11 of the Revised Code. 389

Sec. 959.131. (A) As used in this section: 390

(1) "Companion animal" means any animal that is kept 391
inside a residential dwelling and any dog or cat regardless of 392
where it is kept, including a pet store as defined in section 393
956.01 of the Revised Code. "Companion animal" does not include 394
livestock or any wild animal. 395

(2) "Cruelty," "torment," and "torture" have the same 396
meanings as in section 1717.01 of the Revised Code. 397

(3) "Residential dwelling" means a structure or shelter or 398
the portion of a structure or shelter that is used by one or 399
more humans for the purpose of a habitation. 400

(4) "Practice of veterinary medicine" has the same meaning 401
as in section 4741.01 of the Revised Code. 402

(5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code.	403 404
(6) "Federal animal welfare act" means the "Laboratory 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 1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.	405 406 407 408 409 410 411 412
(7) "Dog kennel" means an animal rescue for dogs, a boarding kennel, or a training kennel.	413 414
(8) "Boarding kennel" and "animal rescue for dogs" have the same meanings as in section 956.01 of the Revised Code.	415 416
(9) "Training kennel" means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.	417 418 419
(10) "Livestock" means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.	420 421 422 423 424
(11) "Captive white-tailed deer" has the same meaning as in section 1531.01 of the Revised Code.	425 426
(12) "Serious physical harm" means any of the following:	427
(a) Physical harm that carries an unnecessary or unjustifiable substantial risk of death;	428 429
(b) Physical harm that involves either partial or total	430

permanent incapacity; 431

(c) Physical harm that involves acute pain of a duration 432
that results in substantial suffering or that involves any 433
degree of prolonged or intractable pain. 434

(B) No person shall knowingly torture, torment, needlessly 435
mutilate or maim, cruelly beat, poison, needlessly kill, or 436
commit an act of cruelty against a companion animal. 437

(C) No person shall knowingly cause serious physical harm 438
to a companion animal. 439

(D) No person who confines or who is the custodian or 440
caretaker of a companion animal shall negligently do any of the 441
following: 442

(1) Torture, torment, or commit an act of cruelty against 443
the companion animal; 444

(2) Deprive the companion animal of necessary sustenance 445
or confine the companion animal without supplying it during the 446
confinement with sufficient quantities of good, wholesome food 447
and water if it can reasonably be expected that the companion 448
animal would become sick or suffer in any other way as a result 449
of or due to the deprivation or confinement; 450

(3) Impound or confine the companion animal without 451
affording it, during the impoundment or confinement, with access 452
to shelter from heat, cold, wind, rain, snow, or excessive 453
direct sunlight if it can reasonably be expected that the 454
companion animal would become sick or suffer in any other way as 455
a result of or due to the lack of adequate shelter. 456

(E) No person who confines or who is the custodian or 457
caretaker of a companion animal shall recklessly deprive the 458

companion animal of necessary sustenance or confine the 459
companion animal without supplying it during the confinement 460
with sufficient quantities of good, wholesome food and water. 461

(F) No owner, manager, or employee of a dog kennel who 462
confines or is the custodian or caretaker of a companion animal 463
shall knowingly do any of the following: 464

(1) Torture, torment, needlessly mutilate or maim, cruelly 465
beat, poison, needlessly kill, or commit an act of cruelty 466
against the companion animal; 467

(2) Deprive the companion animal of necessary sustenance 468
or confine the companion animal without supplying it during the 469
confinement with sufficient quantities of good, wholesome food 470
and water if it is reasonably expected that the companion animal 471
would die or experience unnecessary or unjustifiable pain or 472
suffering as a result of the deprivation or confinement; 473

(3) Impound or confine the companion animal without 474
affording it, during the impoundment or confinement, with access 475
to shelter from heat, cold, wind, rain, snow, or excessive 476
direct sunlight if it is reasonably expected that the companion 477
animal would die or experience unnecessary or unjustifiable pain 478
or suffering as a result of or due to the lack of adequate 479
shelter. 480

(G) No owner, manager, or employee of a dog kennel who 481
confines or is the custodian or caretaker of a companion animal 482
shall negligently do any of the following: 483

(1) Torture, torment, or commit an act of cruelty against 484
the companion animal; 485

(2) Deprive the companion animal of necessary sustenance 486
or confine the companion animal without supplying it during the 487

confinement with sufficient quantities of good, wholesome food 488
and water if it can reasonably be expected that the companion 489
animal would become sick or suffer in any other way as a result 490
of or due to the deprivation or confinement; 491

(3) Impound or confine the companion animal without 492
affording it, during the impoundment or confinement, with access 493
to shelter from heat, cold, wind, rain, snow, or excessive 494
direct sunlight if it can reasonably be expected that the 495
companion animal would become sick or suffer in any other way as 496
a result of or due to the lack of adequate shelter. 497

(H) No person, except as authorized by law, shall 498
knowingly treat a companion animal corpse in a way that would 499
outrage reasonable community sensibilities. 500

(I) Divisions (B), (C), (D), (E), (F), and (G) to (H) of 501
this section do not apply to any of the following: 502

(1) A companion animal used in scientific research 503
conducted by an institution in accordance with the federal 504
animal welfare act and related regulations; 505

(2) The lawful practice of veterinary medicine by a person 506
who has been issued a license, temporary permit, or registration 507
certificate to do so under Chapter 4741. of the Revised Code; 508

(3) Dogs being used or intended for use for hunting or 509
field trial purposes, provided that the dogs are being treated 510
in accordance with usual and commonly accepted practices for the 511
care of hunting dogs; 512

(4) The use of common training devices, if the companion 513
animal is being treated in accordance with usual and commonly 514
accepted practices for the training of animals; 515

(5) The administering of medicine to a companion animal 516
that was properly prescribed by a person who has been issued a 517
license, temporary permit, or registration certificate under 518
Chapter 4741. of the Revised Code. 519

~~(I)~~ (J) Notwithstanding any section of the Revised Code 520
that otherwise provides for the distribution of fine moneys, the 521
clerk of court shall forward all fines the clerk collects that 522
are so imposed for any violation of this section to the 523
treasurer of the political subdivision or the state, whose 524
county humane society or law enforcement agency is to be paid 525
the fine money as determined under this division. The treasurer 526
to whom the fines are forwarded shall pay the fine moneys to the 527
county humane society or the county, township, municipal 528
corporation, or state law enforcement agency in this state that 529
primarily was responsible for or involved in the investigation 530
and prosecution of the violation. If a county humane society 531
receives any fine moneys under this division, the county humane 532
society shall use the fine moneys either to provide the training 533
that is required for humane society agents under section 534
1717.061 of the Revised Code or to provide additional training 535
for humane society agents. 536

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 537
of the Revised Code is guilty of a minor misdemeanor. 538

(B) Except as otherwise provided in this division, whoever 539
violates section 959.02 of the Revised Code is guilty of a 540
misdemeanor of the second degree. If the value of the animal 541
killed or the injury done amounts to three hundred dollars or 542
more, whoever violates section 959.02 of the Revised Code is 543
guilty of a misdemeanor of the first degree. 544

(C) Whoever violates section 959.03, 959.06, division (C) 545

of section 959.09, 959.12, or 959.17 or division (A) of section 546
959.15 of the Revised Code is guilty of a misdemeanor of the 547
fourth degree. 548

(D) Whoever violates division (A) of section 959.13 or 549
section 959.21 of the Revised Code is guilty of a misdemeanor of 550
the second degree. In addition, the court may order the offender 551
to forfeit the animal or livestock and may provide for its 552
disposition, including, but not limited to, the sale of the 553
animal or livestock. If an animal or livestock is forfeited and 554
sold pursuant to this division, the proceeds from the sale first 555
shall be applied to pay the expenses incurred with regard to the 556
care of the animal from the time it was taken from the custody 557
of the former owner. The balance of the proceeds from the sale, 558
if any, shall be paid to the former owner of the animal. 559

(E) (1) Whoever violates division (B) or (E) of section 560
959.131 of the Revised Code is guilty of a misdemeanor of the 561
first degree on a first offense and a felony of the fifth degree 562
on each subsequent offense. 563

(2) Whoever violates division (C) of section 959.131 of 564
the Revised Code is guilty of a felony of the fifth degree. 565

(3) Whoever violates section 959.01 of the Revised Code or 566
division (D) of section 959.131 of the Revised Code is guilty of 567
a misdemeanor of the second degree on a first offense and a 568
misdemeanor of the first degree on each subsequent offense. 569

(4) Whoever violates division (F) of section 959.131 of 570
the Revised Code is guilty of a felony of the fifth degree. 571

(5) Whoever violates division (G) of section 959.131 of 572
the Revised Code is guilty of a misdemeanor of the first degree. 573

~~(6)(a)~~ (6) Whoever violates division (H) of section 574

959.131 of the Revised Code is guilty of a misdemeanor of the 575
first degree on a first offense and a felony of the fifth degree 576
on a second or subsequent offense. In addition, if a person is 577
convicted of or pleads guilty to such a violation, the court 578
shall impose a requirement that the offender undergo 579
psychological evaluation or counseling in addition to any other 580
criminal penalty. The court shall order the offender to pay the 581
costs of the evaluation or counseling. 582

(7) (a) A court may order a person who is convicted of or 583
pleads guilty to a violation of section 959.131 of the Revised 584
Code to forfeit to an impounding agency, as defined in section 585
959.132 of the Revised Code, any or all of the companion animals 586
in that person's ownership or care. The court also may prohibit 587
or place limitations on the person's ability to own or care for 588
any companion animals for a specified or indefinite period of 589
time. 590

(b) A court may order a person who is convicted of or 591
pleads guilty to a violation of division (A) of section 959.13 592
or section 959.131 of the Revised Code to reimburse an 593
impounding agency for the reasonable and necessary costs 594
incurred by the agency for the care of an animal or livestock 595
that the agency impounded as a result of the investigation or 596
prosecution of the violation, provided that the costs were not 597
otherwise paid under section 959.132 of the Revised Code. 598

~~(7)~~ (8) If a court has reason to believe that a person who 599
is convicted of or pleads guilty to a violation of section 600
959.131 or 959.21 of the Revised Code has a mental or emotional 601
disorder that contributed to the violation, the court may impose 602
as a community control sanction or as a condition of probation a 603
requirement that the offender undergo psychological evaluation 604

or counseling. The court shall order the offender to pay the 605
costs of the evaluation or counseling. 606

(F) Whoever violates section 959.14 of the Revised Code is 607
guilty of a misdemeanor of the second degree on a first offense 608
and a misdemeanor of the first degree on each subsequent 609
offense. 610

(G) Whoever violates section 959.05 or 959.20 of the 611
Revised Code is guilty of a misdemeanor of the first degree. 612

(H) Whoever violates section 959.16 of the Revised Code is 613
guilty of a felony of the fourth degree for a first offense and 614
a felony of the third degree on each subsequent offense. 615

(I) Whoever violates division (B) or (C) of section 959.15 616
of the Revised Code is guilty of a felony and shall be fined not 617
more than ten thousand dollars. 618

(J) (1) As used in divisions (J) (2) and (3) of this 619
section, "animal abuse offense" means a violation of section 620
959.01, 959.02, 959.03, 959.06, 959.13, 959.131, 959.14, 959.15, 621
959.16, 959.17, 959.18, 959.20, or 959.21 of the Revised Code. 622

(2) Notwithstanding any other provision of law to the 623
contrary, the court shall impose as a financial sanction a 624
mandatory fine of two thousand five hundred dollars if a person 625
is convicted of or pleads guilty to an animal abuse offense that 626
is a misdemeanor or a fifth degree felony. 627

(3) Notwithstanding any other provision of law to the 628
contrary, if a person is convicted of or pleads guilty to a 629
fourth degree felony animal abuse offense or a third degree 630
felony animal abuse offense, the court shall impose as a 631
financial sanction a fine of not less than two thousand five 632
hundred dollars and not more than the maximum financial sanction 633

allowed under section 2929.18 of the Revised Code. 634

Sec. 2921.321. (A) No person shall knowingly cause, or 635
attempt to cause, physical harm to a police dog or horse in 636
either of the following circumstances: 637

(1) The police dog or horse is assisting a law enforcement 638
officer in the performance of the officer's official duties at 639
the time the physical harm is caused or attempted. 640

(2) The police dog or horse is not assisting a law 641
enforcement officer in the performance of the officer's official 642
duties at the time the physical harm is caused or attempted, but 643
the offender has actual knowledge that the dog or horse is a 644
police dog or horse. 645

(B) No person shall recklessly do any of the following: 646

(1) Taunt, torment, or strike a police dog or horse; 647

(2) Throw an object or substance at a police dog or horse; 648

(3) Interfere with or obstruct a police dog or horse, or 649
interfere with or obstruct a law enforcement officer who is 650
being assisted by a police dog or horse, in a manner that does 651
any of the following: 652

(a) Inhibits or restricts the law enforcement officer's 653
control of the police dog or horse; 654

(b) Deprives the law enforcement officer of control of the 655
police dog or horse; 656

(c) Releases the police dog or horse from its area of 657
control; 658

(d) Enters the area of control of the police dog or horse 659
without the consent of the law enforcement officer, including 660

placing food or any other object or substance into that area; 661

(e) Inhibits or restricts the ability of the police dog or 662
horse to assist a law enforcement officer. 663

(4) Engage in any conduct that is likely to cause serious 664
physical injury or death to a police dog or horse; 665

(5) If the person is the owner, keeper, or harbinger of a 666
dog, fail to reasonably restrain the dog from taunting, 667
tormenting, chasing, approaching in a menacing fashion or 668
apparent attitude of attack, or attempting to bite or otherwise 669
endanger a police dog or horse that at the time of the conduct, 670
the police dog or horse is assisting a law enforcement officer 671
in the performance of the officer's duties or that the person 672
knows is a police dog or horse. 673

(C) No person shall knowingly cause, or attempt to cause, 674
physical harm to an assistance dog in either of the following 675
circumstances: 676

(1) The dog, at the time the physical harm is caused or 677
attempted, is assisting or serving a person who is blind, deaf, 678
or hearing impaired or a person with a mobility impairment. 679

(2) The dog, at the time the physical harm is caused or 680
attempted, is not assisting or serving a person who is blind, 681
deaf, or hearing impaired or a person with a mobility 682
impairment, but the offender has actual knowledge that the dog 683
is an assistance dog. 684

(D) No person shall recklessly do any of the following: 685

(1) Taunt, torment, or strike an assistance dog; 686

(2) Throw an object or substance at an assistance dog; 687

(3) Interfere with or obstruct an assistance dog, or 688
interfere with or obstruct a person who is blind, deaf, or 689
hearing impaired or a person with a mobility impairment who is 690
being assisted or served by an assistance dog, in a manner that 691
does any of the following: 692

(a) Inhibits or restricts the assisted or served person's 693
control of the dog; 694

(b) Deprives the assisted or served person of control of 695
the dog; 696

(c) Releases the dog from its area of control; 697

(d) Enters the area of control of the dog without the 698
consent of the assisted or served person, including placing food 699
or any other object or substance into that area; 700

(e) Inhibits or restricts the ability of the dog to assist 701
the assisted or served person. 702

(4) Engage in any conduct that is likely to cause serious 703
physical injury or death to an assistance dog; 704

(5) If the person is the owner, keeper, or harbinger of a 705
dog, fail to reasonably restrain the dog from taunting, 706
tormenting, chasing, approaching in a menacing fashion or 707
apparent attitude of attack, or attempting to bite or otherwise 708
endanger an assistance dog that at the time of the conduct is 709
assisting or serving a person who is blind, deaf, or hearing 710
impaired or a person with a mobility impairment or that the 711
person knows is an assistance dog. 712

(E) (1) Whoever violates division (A) of this section is 713
guilty of assaulting a police dog or horse, and shall be 714
punished as provided in divisions (E) (1) (a) and (b) of this 715

section. 716

(a) Except as otherwise provided in this division, 717
assaulting a police dog or horse is a misdemeanor of the second 718
degree. If the violation results in the death of the police dog 719
or horse, assaulting a police dog or horse is a felony of the 720
third degree and the court shall impose as a mandatory prison 721
term one of the definite prison terms prescribed in division (A) 722
(3) (b) of section 2929.14 of the Revised Code for a felony of 723
the third degree. If the violation results in serious physical 724
harm to the police dog or horse other than its death, assaulting 725
a police dog or horse is a felony of the fourth degree. If the 726
violation results in physical harm to the police dog or horse 727
other than death or serious physical harm, assaulting a police 728
dog or horse is a misdemeanor of the first degree. 729

(b) In addition to any other sanction imposed for 730
assaulting a police dog or horse, if the violation of division 731
(A) of this section results in the death of the police dog or 732
horse, the sentencing court shall impose as a financial sanction 733
a mandatory fine under division (B) (10) of section 2929.18 of 734
the Revised Code. The fine shall be paid to the law enforcement 735
agency that was served by the police dog or horse that was 736
killed, and shall be used by that agency only for one or more of 737
the following purposes: 738

(i) If the dog or horse was not owned by the agency, the 739
payment to the owner of the dog or horse of the cost of the dog 740
or horse and the cost of the training of the dog or horse to 741
qualify it as a police dog or horse, if that cost has not 742
previously been paid by the agency; 743

(ii) After payment of the costs described in division (E) 744
(1) (b) (i) of this section, if applicable, payment of the cost of 745

replacing the dog or horse that was killed; 746

(iii) After payment of the costs described in division (E) 747
(1)(b)(i) of this section, if applicable, payment of the cost of 748
training the replacement dog or horse to qualify it as a police 749
dog or horse; 750

(iv) After payment of the costs described in division (E) 751
(1)(b)(i) of this section, if applicable, payment of the cost of 752
further training of the replacement dog or horse that is needed 753
to train it to the level of training that had been achieved by 754
the dog or horse that was killed. 755

(2) Whoever violates division (B) of this section is 756
guilty of harassing a police dog or horse. Except as otherwise 757
provided in this division, harassing a police dog or horse is a 758
misdemeanor of the second degree. If the violation results in 759
the death of the police dog or horse, harassing a police dog or 760
horse is a felony of the third degree. If the violation results 761
in serious physical harm to the police dog or horse, but does 762
not result in its death, harassing a police dog or horse, is a 763
felony of the fourth degree. If the violation results in 764
physical harm to the police dog or horse, but does not result in 765
its death or in serious physical harm to it, harassing a police 766
dog or horse is a misdemeanor of the first degree. 767

(3) Whoever violates division (C) of this section is 768
guilty of assaulting an assistance dog. Except as otherwise 769
provided in this division, assaulting an assistance dog is a 770
misdemeanor of the second degree. If the violation results in 771
the death of the assistance dog, assaulting an assistance dog is 772
a felony of the third degree. If the violation results in 773
serious physical harm to the assistance dog other than its 774
death, assaulting an assistance dog is a felony of the fourth 775

degree. If the violation results in physical harm to the 776
assistance dog other than death or serious physical harm, 777
assaulting an assistance dog is a misdemeanor of the first 778
degree. 779

(4) Whoever violates division (D) of this section is 780
guilty of harassing an assistance dog. Except as otherwise 781
provided in this division, harassing an assistance dog is a 782
misdemeanor of the second degree. If the violation results in 783
the death of the assistance dog, harassing an assistance dog is 784
a felony of the third degree. If the violation results in 785
serious physical harm to the assistance dog, but does not result 786
in its death, harassing an assistance dog is a felony of the 787
fourth degree. If the violation results in physical harm to the 788
assistance dog, but does not result in its death or in serious 789
physical harm to it, harassing an assistance dog is a 790
misdemeanor of the first degree. 791

(5) In addition to any other sanction or penalty imposed 792
for the offense under this section, Chapter 2929., or any other 793
provision of the Revised Code, whoever violates division (A), 794
(B), (C), or (D) of this section is responsible for the payment 795
of all of the following: 796

(a) Any veterinary bill or bill for medication incurred as 797
a result of the violation by the police department regarding a 798
violation of division (A) or (B) of this section or by the 799
person who is blind, deaf, or hearing impaired or the person 800
with a mobility impairment assisted or served by the assistance 801
dog regarding a violation of division (C) or (D) of this 802
section; 803

(b) The cost of any damaged equipment that results from 804
the violation; 805

(c) If the violation did not result in the death of the 806
police dog or horse or the assistance dog that was the subject 807
of the violation and if, as a result of that dog or horse being 808
the subject of the violation, the dog or horse needs further 809
training or retraining to be able to continue in the capacity of 810
a police dog or horse or an assistance dog, the cost of any 811
further training or retraining of that dog or horse by a law 812
enforcement officer or by the person who is blind, deaf, or 813
hearing impaired or the person with a mobility impairment 814
assisted or served by the assistance dog; 815

(d) If the violation resulted in the death of the 816
assistance dog that was the subject of the violation or resulted 817
in serious physical harm to the police dog or horse or the 818
assistance dog or horse that was the subject of the violation to 819
the extent that the dog or horse needs to be replaced on either 820
a temporary or a permanent basis, the cost of replacing that dog 821
or horse and of any further training of a new police dog or 822
horse or a new assistance dog by a law enforcement officer or by 823
the person who is blind, deaf, or hearing impaired or the person 824
with a mobility impairment assisted or served by the assistance 825
dog, which replacement or training is required because of the 826
death of or the serious physical harm to the dog or horse that 827
was the subject of the violation. 828

~~(F)~~ (F) (1) Notwithstanding any other provision of law to 829
the contrary and in addition to any costs imposed under division 830
(E) (5) of this section, if a person is convicted of or pleads 831
guilty to a misdemeanor offense under this section, the court 832
shall impose as a financial sanction a mandatory fine of two 833
thousand five hundred dollars. 834

(2) Notwithstanding any other provision of law to the 835

contrary and in addition to any costs imposed under division (E) 836
(5) of this section, if a person is convicted of or pleads 837
guilty to a fourth degree or a third degree felony offense under 838
this section, other than a felony offense described in division 839
(E)(1)(a) of this section, the court shall impose as a financial 840
sanction a fine of not less than two thousand five hundred 841
dollars and not more than the maximum financial sanction allowed 842
under section 2929.18 of the Revised Code. 843

(G) This section does not apply to a licensed veterinarian 844
whose conduct is in accordance with Chapter 4741. of the Revised 845
Code. 846

~~(G)~~(H) This section only applies to an offender who knows 847
or should know at the time of the violation that the police dog 848
or horse or assistance dog that is the subject of a violation 849
under this section is a police dog or horse or an assistance 850
dog. 851

~~(H)~~(I) As used in this section: 852

(1) "Physical harm" means any injury, illness, or other 853
physiological impairment, regardless of its gravity or duration. 854

(2) "Police dog or horse" means a dog or horse that has 855
been trained, and may be used, to assist law enforcement 856
officers in the performance of their official duties. 857

(3) "Serious physical harm" means any of the following: 858

(a) Any physical harm that carries a substantial risk of 859
death; 860

(b) Any physical harm that causes permanent maiming or 861
that involves some temporary, substantial maiming; 862

(c) Any physical harm that causes acute pain of a duration 863

that results in substantial suffering. 864

(4) "Assistance dog," "blind," and "person with a mobility 865
impairment" have the same meanings as in section 955.011 of the 866
Revised Code. 867

Sec. 2929.18. (A) Except as otherwise provided in this 868
division and in addition to imposing court costs pursuant to 869
section 2947.23 of the Revised Code, the court imposing a 870
sentence upon an offender for a felony may sentence the offender 871
to any financial sanction or combination of financial sanctions 872
authorized under this section or, in the circumstances specified 873
in section 2929.32 of the Revised Code, may impose upon the 874
offender a fine in accordance with that section, and shall 875
sentence the offender to make restitution pursuant to this 876
section and section 2929.281 of the Revised Code. The victim has 877
a right not to seek restitution. Financial sanctions that either 878
are required to be or may be imposed pursuant to this section 879
include, but are not limited to, the following: 880

(1) Restitution by the offender to the victim of the 881
offender's criminal offense or the victim's estate, in an amount 882
based on the victim's economic loss. In open court, the court 883
shall order that full restitution be made to the victim, to the 884
adult probation department that serves the county on behalf of 885
the victim, to the clerk of courts, or to another agency 886
designated by the court. At sentencing, the court shall 887
determine the amount of restitution to be made by the offender. 888
The victim, victim's representative, victim's attorney, if 889
applicable, the prosecutor or the prosecutor's designee, and the 890
offender may provide information relevant to the determination 891
of the amount of restitution. The amount the court orders as 892
restitution shall not exceed the amount of the economic loss 893

suffered by the victim as a direct and proximate result of the 894
commission of the offense. If the court imposes restitution for 895
the cost of accounting or auditing done to determine the extent 896
of economic loss, the court may order restitution for any amount 897
of the victim's costs of accounting or auditing provided that 898
the amount of restitution is reasonable and does not exceed the 899
value of property or services stolen or damaged as a result of 900
the offense. The court shall hold a hearing on restitution if 901
the offender, victim, victim's representative, or victim's 902
estate disputes the amount. The court shall determine the amount 903
of full restitution by a preponderance of the evidence. All 904
restitution payments shall be credited against any recovery of 905
economic loss in a civil action brought by the victim or the 906
victim's estate against the offender. 907

The court may order that the offender pay a surcharge of 908
not more than five per cent of the amount of the restitution 909
otherwise ordered to the entity responsible for collecting and 910
processing restitution payments. 911

The victim, victim's estate, or victim's attorney, if 912
applicable, may file a motion or request that the prosecutor in 913
the case file a motion, or the offender may file a motion, for 914
modification of the payment terms of any restitution ordered. If 915
the court grants the motion, it may modify the payment terms as 916
it determines appropriate but shall not reduce the amount of 917
restitution ordered, except as provided in division (A) of 918
section 2929.281 of the Revised Code. The court shall not 919
discharge restitution until it is fully paid by the offender. 920

(2) Except as provided in division (B) (1), (3), or (4) of 921
this section, a fine payable by the offender to the state, to a 922
political subdivision, or as described in division (B) (2) of 923

this section to one or more law enforcement agencies, with the 924
amount of the fine based on a standard percentage of the 925
offender's daily income over a period of time determined by the 926
court and based upon the seriousness of the offense. A fine 927
ordered under this division shall not exceed the maximum 928
conventional fine amount authorized for the level of the offense 929
under division (A) (3) of this section. 930

(3) Except as provided in division (B) (1), (3), or (4) of 931
this section, a fine payable by the offender to the state, to a 932
political subdivision when appropriate for a felony, or as 933
described in division (B) (2) of this section to one or more law 934
enforcement agencies, in the following amount: 935

(a) For a felony of the first degree, not more than twenty 936
thousand dollars; 937

(b) For a felony of the second degree, not more than 938
fifteen thousand dollars; 939

(c) For a felony of the third degree, not more than ten 940
thousand dollars; 941

(d) For a felony of the fourth degree, not more than five 942
thousand dollars; 943

(e) For a felony of the fifth degree, not more than two 944
thousand five hundred dollars. 945

(4) A state fine or costs as defined in section 2949.111 946
of the Revised Code. 947

(5) (a) Reimbursement by the offender of any or all of the 948
costs of sanctions incurred by the government, including the 949
following: 950

(i) All or part of the costs of implementing any community 951

control sanction, including a supervision fee under section 952
2951.021 of the Revised Code; 953

(ii) All or part of the costs of confinement under a 954
sanction imposed pursuant to section 2929.14, 2929.142, or 955
2929.16 of the Revised Code, provided that the amount of 956
reimbursement ordered under this division shall not exceed the 957
total amount of reimbursement the offender is able to pay as 958
determined at a hearing and shall not exceed the actual cost of 959
the confinement; 960

(iii) All or part of the cost of purchasing and using an 961
immobilizing or disabling device, including a certified ignition 962
interlock device, or a remote alcohol monitoring device that a 963
court orders an offender to use under section 4510.13 of the 964
Revised Code. 965

(b) If the offender is sentenced to a sanction of 966
confinement pursuant to section 2929.14 or 2929.16 of the 967
Revised Code that is to be served in a facility operated by a 968
board of county commissioners, a legislative authority of a 969
municipal corporation, or another local governmental entity, if, 970
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 971
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 972
section 2929.37 of the Revised Code, the board, legislative 973
authority, or other local governmental entity requires prisoners 974
to reimburse the county, municipal corporation, or other entity 975
for its expenses incurred by reason of the prisoner's 976
confinement, and if the court does not impose a financial 977
sanction under division (A) (5) (a) (ii) of this section, 978
confinement costs may be assessed pursuant to section 2929.37 of 979
the Revised Code. In addition, the offender may be required to 980
pay the fees specified in section 2929.38 of the Revised Code in 981

accordance with that section.	982
(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code;	983 984
(d) Reimbursement by the offender for costs pursuant to section 2917.321 of the Revised Code.	985 986
(B) (1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A) (3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay the mandatory fine and if the court determines the offender is an indigent person and is unable to pay the mandatory fine described in this division, the court shall not impose the mandatory fine upon the offender.	987 988 989 990 991 992 993 994 995 996 997 998
(2) Any mandatory fine imposed upon an offender under division (B) (1) of this section and any fine imposed upon an offender under division (A) (2) or (3) of this section for any fourth or fifth degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code shall be paid to law enforcement agencies pursuant to division (F) of section 2925.03 of the Revised Code.	999 1000 1001 1002 1003 1004 1005
(3) For a fourth degree felony OVI offense and for a third degree felony OVI offense, the sentencing court shall impose upon the offender a mandatory fine in the amount specified in division (G) (1) (d) or (e) of section 4511.19 of the Revised Code, whichever is applicable. The mandatory fine so imposed	1006 1007 1008 1009 1010

shall be disbursed as provided in the division pursuant to which 1011
it is imposed. 1012

(4) Notwithstanding any fine otherwise authorized or 1013
required to be imposed under division (A) (2) or (3) or (B) (1) of 1014
this section or section 2929.31 of the Revised Code for a 1015
violation of section 2925.03 of the Revised Code, in addition to 1016
any penalty or sanction imposed for that offense under section 1017
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 1018
in addition to the forfeiture of property in connection with the 1019
offense as prescribed in Chapter 2981. of the Revised Code, the 1020
court that sentences an offender for a violation of section 1021
2925.03 of the Revised Code may impose upon the offender a fine 1022
in addition to any fine imposed under division (A) (2) or (3) of 1023
this section and in addition to any mandatory fine imposed under 1024
division (B) (1) of this section. The fine imposed under division 1025
(B) (4) of this section shall be used as provided in division (H) 1026
of section 2925.03 of the Revised Code. A fine imposed under 1027
division (B) (4) of this section shall not exceed whichever of 1028
the following is applicable: 1029

(a) The total value of any personal or real property in 1030
which the offender has an interest and that was used in the 1031
course of, intended for use in the course of, derived from, or 1032
realized through conduct in violation of section 2925.03 of the 1033
Revised Code, including any property that constitutes proceeds 1034
derived from that offense; 1035

(b) If the offender has no interest in any property of the 1036
type described in division (B) (4) (a) of this section or if it is 1037
not possible to ascertain whether the offender has an interest 1038
in any property of that type in which the offender may have an 1039
interest, the amount of the mandatory fine for the offense 1040

imposed under division (B)(1) of this section or, if no 1041
mandatory fine is imposed under division (B)(1) of this section, 1042
the amount of the fine authorized for the level of the offense 1043
imposed under division (A)(3) of this section. 1044

(5) Prior to imposing a fine under division (B)(4) of this 1045
section, the court shall determine whether the offender has an 1046
interest in any property of the type described in division (B) 1047
(4)(a) of this section. Except as provided in division (B)(6) or 1048
(7) of this section, a fine that is authorized and imposed under 1049
division (B)(4) of this section does not limit or affect the 1050
imposition of the penalties and sanctions for a violation of 1051
section 2925.03 of the Revised Code prescribed under those 1052
sections or sections 2929.11 to 2929.18 of the Revised Code and 1053
does not limit or affect a forfeiture of property in connection 1054
with the offense as prescribed in Chapter 2981. of the Revised 1055
Code. 1056

(6) If the sum total of a mandatory fine amount imposed 1057
for a first, second, or third degree felony violation of section 1058
2925.03 of the Revised Code under division (B)(1) of this 1059
section plus the amount of any fine imposed under division (B) 1060
(4) of this section does not exceed the maximum statutory fine 1061
amount authorized for the level of the offense under division 1062
(A)(3) of this section or section 2929.31 of the Revised Code, 1063
the court may impose a fine for the offense in addition to the 1064
mandatory fine and the fine imposed under division (B)(4) of 1065
this section. The sum total of the amounts of the mandatory 1066
fine, the fine imposed under division (B)(4) of this section, 1067
and the additional fine imposed under division (B)(6) of this 1068
section shall not exceed the maximum statutory fine amount 1069
authorized for the level of the offense under division (A)(3) of 1070
this section or section 2929.31 of the Revised Code. The clerk 1071

of the court shall pay any fine that is imposed under division 1072
(B) (6) of this section to the county, township, municipal 1073
corporation, park district as created pursuant to section 511.18 1074
or 1545.04 of the Revised Code, or state law enforcement 1075
agencies in this state that primarily were responsible for or 1076
involved in making the arrest of, and in prosecuting, the 1077
offender pursuant to division (F) of section 2925.03 of the 1078
Revised Code. 1079

(7) If the sum total of the amount of a mandatory fine 1080
imposed for a first, second, or third degree felony violation of 1081
section 2925.03 of the Revised Code plus the amount of any fine 1082
imposed under division (B) (4) of this section exceeds the 1083
maximum statutory fine amount authorized for the level of the 1084
offense under division (A) (3) of this section or section 2929.31 1085
of the Revised Code, the court shall not impose a fine under 1086
division (B) (6) of this section. 1087

(8) (a) If an offender who is convicted of or pleads guilty 1088
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 1089
2923.32, division (A) (1) or (2) of section 2907.323 involving a 1090
minor, or division (B) (1), (2), (3), (4), or (5) of section 1091
2919.22 of the Revised Code also is convicted of or pleads 1092
guilty to a specification of the type described in section 1093
2941.1422 of the Revised Code that charges that the offender 1094
knowingly committed the offense in furtherance of human 1095
trafficking, the sentencing court shall sentence the offender to 1096
a financial sanction of restitution by the offender to the 1097
victim or the victim's estate, with the restitution including 1098
the costs of housing, counseling, and medical and legal 1099
assistance incurred by the victim as a direct result of the 1100
offense and the greater of the following: 1101

(i) The gross income or value to the offender of the 1102
victim's labor or services; 1103

(ii) The value of the victim's labor as guaranteed under 1104
the minimum wage and overtime provisions of the "Federal Fair 1105
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 1106
state labor laws. 1107

(b) If a court imposing sentence upon an offender for a 1108
felony is required to impose upon the offender a financial 1109
sanction of restitution under division (B) (8) (a) of this 1110
section, in addition to that financial sanction of restitution, 1111
the court may sentence the offender to any other financial 1112
sanction or combination of financial sanctions authorized under 1113
this section, including a restitution sanction under division 1114
(A) (1) of this section. 1115

(9) In addition to any other fine that is or may be 1116
imposed under this section, the court imposing sentence upon an 1117
offender for a felony that is a sexually oriented offense or a 1118
child-victim oriented offense, as those terms are defined in 1119
section 2950.01 of the Revised Code, may impose a fine of not 1120
less than fifty nor more than five hundred dollars. 1121

(10) For a felony violation of division (A) of section 1122
2921.321 of the Revised Code that results in the death of the 1123
police dog or horse that is the subject of the violation, the 1124
sentencing court shall impose upon the offender a mandatory fine 1125
from the range of fines provided under division (A) (3) of this 1126
section for a felony of the third degree, but such fine shall 1127
not be less than two thousand five hundred dollars. A mandatory 1128
fine imposed upon an offender under division (B) (10) of this 1129
section shall be paid to the law enforcement agency that was 1130
served by the police dog or horse that was killed in the felony 1131

violation of division (A) of section 2921.321 of the Revised Code to be used as provided in division (E) (1) (b) of that section.

(11) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for any of the following offenses that is a felony may impose a fine of not less than seventy nor more than five hundred dollars, which, except as provided in division (B) (12) of this section, shall be transmitted to the treasurer of state to be credited to the address confidentiality program fund created by section 111.48 of the Revised Code:

(a) Domestic violence;

(b) Menacing by stalking;

(c) Rape;

(d) Sexual battery;

(e) Trafficking in persons;

(f) A violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 involving a minor, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender also is convicted of a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking.

(12) (a) A court that imposes a fine under division (B) (11) of this section may retain up to twenty-five per cent of amounts collected in satisfaction of the fine to cover administrative costs.

(b) A court that imposes a fine under division (B) (11) of this section may assign up to twenty-five per cent of amounts collected in satisfaction of the fine to reimburse the prosecuting attorney for costs associated with prosecution of the offense.

(C) (1) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each

municipal corporation. The municipal corporation shall use the 1191
amounts deposited in the fund to pay the costs incurred by the 1192
municipal corporation pursuant to any sanction imposed under 1193
this section or section 2929.16 or 2929.17 of the Revised Code 1194
or in operating a facility used to confine offenders pursuant to 1195
a sanction imposed under section 2929.16 of the Revised Code. 1196

(3) Except as provided in section 2951.021 of the Revised 1197
Code, the offender shall pay reimbursements imposed pursuant to 1198
division (A) (5) (a) of this section for the costs incurred by a 1199
private provider pursuant to a sanction imposed under this 1200
section or section 2929.16 or 2929.17 of the Revised Code to the 1201
provider. 1202

(D) Except as otherwise provided in this division, a 1203
financial sanction imposed pursuant to division (A) or (B) of 1204
this section is a judgment in favor of the state or a political 1205
subdivision in which the court that imposed the financial 1206
sanction is located, and the offender subject to the financial 1207
sanction is the judgment debtor. A financial sanction of 1208
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 1209
section upon an offender who is incarcerated in a state facility 1210
or a municipal jail is a judgment in favor of the state or the 1211
municipal corporation, and the offender subject to the financial 1212
sanction is the judgment debtor. A financial sanction of 1213
reimbursement imposed upon an offender pursuant to this section 1214
for costs incurred by a private provider of sanctions is a 1215
judgment in favor of the private provider, and the offender 1216
subject to the financial sanction is the judgment debtor. A 1217
financial sanction of a mandatory fine imposed under division 1218
(B) (10) of this section that is required under that division to 1219
be paid to a law enforcement agency is a judgment in favor of 1220
the specified law enforcement agency, and the offender subject 1221

to the financial sanction is the judgment debtor. A financial 1222
sanction of restitution imposed pursuant to division (A)(1) or 1223
(B)(8) of this section is an order in favor of the victim of the 1224
offender's criminal act that can be collected through a 1225
certificate of judgment as described in division (D)(1) of this 1226
section, through execution as described in division (D)(2) of 1227
this section, or through an order as described in division (D) 1228
(3) of this section, and the offender shall be considered for 1229
purposes of the collection as the judgment debtor. Imposition of 1230
a financial sanction and execution on the judgment does not 1231
preclude any other power of the court to impose or enforce 1232
sanctions on the offender. Once the financial sanction is 1233
imposed as a judgment or order under this division, the victim, 1234
private provider, state, or political subdivision may do any of 1235
the following: 1236

(1) Obtain from the clerk of the court in which the 1237
judgment was entered, at no cost, a certificate of judgment that 1238
shall be in the same manner and form as a certificate of 1239
judgment issued in a civil action; 1240

(2) Obtain execution of the judgment or order through any 1241
available procedure, including: 1242

(a) An execution against the property of the judgment 1243
debtor under Chapter 2329. of the Revised Code; 1244

(b) An execution against the person of the judgment debtor 1245
under Chapter 2331. of the Revised Code; 1246

(c) A proceeding in aid of execution under Chapter 2333. 1247
of the Revised Code, including: 1248

(i) A proceeding for the examination of the judgment 1249
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 1250

2333.27 of the Revised Code;	1251
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	1252
	1253
(iii) A creditor's suit under section 2333.01 of the Revised Code.	1254
	1255
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	1256
	1257
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	1258
	1259
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	1260
	1261
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	1262
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(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	1266
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(G) If a court that imposes a financial sanction under 1279
division (A) or (B) of this section finds that an offender 1280
satisfactorily has completed all other sanctions imposed upon 1281
the offender and that all restitution that has been ordered has 1282
been paid as ordered, the court may suspend any financial 1283
sanctions imposed pursuant to this section or section 2929.32 of 1284
the Revised Code that have not been paid. 1285

(H) No financial sanction imposed under this section or 1286
section 2929.32 of the Revised Code shall preclude a victim from 1287
bringing a civil action against the offender. 1288

(I) If the court imposes restitution, fines, fees, or 1289
incarceration costs on a business or corporation, it is the duty 1290
of the person authorized to make disbursements from the assets 1291
of the business or corporation to pay the restitution, fines, 1292
fees, or incarceration costs from those assets. 1293

(J) If an offender is sentenced to pay restitution, a 1294
fine, fee, or incarceration costs, the clerk of the sentencing 1295
court, on request, shall make the offender's payment history 1296
available to the prosecutor, victim, victim's representative, 1297
victim's attorney, if applicable, the probation department, and 1298
the court without cost. 1299

Section 2. That existing sections 109.803, 955.54, 955.99, 1300
959.131, 959.99, 2921.321, and 2929.18 of the Revised Code are 1301
hereby repealed. 1302

Section 3. Section 959.99 of the Revised Code is presented 1303
in this act as a composite of the section as amended by both 1304
H.B. 281 and S.B. 164 of the 134th General Assembly. The General 1305
Assembly, applying the principle stated in division (B) of 1306
section 1.52 of the Revised Code that amendments are to be 1307

harmonized if reasonably capable of simultaneous operation,	1308
finds that the composite is the resulting version of the section	1309
in effect prior to the effective date of the section as	1310
presented in this act.	1311