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Bill Analysis

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Primary Sponsor: Rep. Robb Blasdel

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SUMMARY

- Generally prohibits certain acts of cruelty against equines that interact with humans and establishes criminal penalties for violating those prohibitions.
- Establishes procedures for the care and monitoring of equines involved in cruelty cases, including emergency veterinary treatment for impounded equines, reimbursement of impoundment costs, and court-ordered care requirements for equines that remain in the custody of its owner pending disposition of charges.
- Authorizes a court to do any the following:
  - Order a person who is convicted of or pleads guilty to an equine cruelty violation (equine cruelty offender) to forfeit any or all of the equines in that person's ownership or care;
  - Prohibit or place limitations on such person's ability to own or care for any equines; and
  - Require such person to undergo psychological evaluation or counseling if the court has reason to believe that the offender has a mental or emotional disorder that contributed to the violation.
- Requires the Director of Agriculture to adopt rules that are necessary to implement and enforce the bill's provisions.

DETAILED ANALYSIS

Equine cruelty prohibitions and penalties

The bill establishes various prohibitions regarding acts of cruelty against equines that interact with humans. Those prohibitions are similar to current law's prohibitions against cruelty

to companion animals.[1] An equine is any equine used or intended for use in human-equine interaction, regardless of the existence of formal documentation of that interaction. Human-equine interaction is interaction between an equine and one or more humans, including sport, recreation, lessons, therapy, instruction, or racing.[2] The table below describes those prohibitions, who they apply to, and their corresponding mental states and penalties.[3]

Equine cruelty prohibitions and penalties

Prohibition and relevant definitions	Who the prohibition applies to	Mental state	Penalty
Torturing, tormenting, needlessly mutilating or maiming, cruelly beating, poisoning, needlessly killing, or committing an act of cruelty against an equine. Cruelty, torment, and torture include every act, omission, or neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief.[4]	Any person	Knowingly	1st degree misdemeanor on a first offense and a 5th degree felony on each subsequent offense. However, a 4th degree felony on a subsequent offense if that offender is convicted of or pleads guilty to at least two acts of cruelty involving the same equine within a two-year period.
Causing serious physical harm to an equine. Serious physical harm is physical harm that carries a substantial risk of death, causes permanent incapacity, or results in prolonged or intractable pain.[5]	Any person	Knowingly	A 4th degree felony on a first offense and a 3rd degree felony on each subsequent offense; or A 3rd degree felony on any offense if the violation results in the permanent loss of the use of a limb, loss of an eye, severe lameness, or the death of an equine.

[1] See R.C. 959.132, not in the bill.

[2] R.C. 959.135(A)(1) and (2).

[3] R.C. 959.135(B), (C), and (D) and 959.99(F)(1) to (4).

[4] R.C. 1717.01, not in the bill.

[5] R.C. 959.135(A)(4).

Prohibition and relevant definitions	Who the prohibition applies to	Mental state	Penalty
Torturing, tormenting, or committing an act of cruelty against the equine; or Depriving the equine of necessary sustenance.	A person who confines an equine or is an equine's custodian or caretaker	Negligently	1st degree misdemeanor on a first offense and a 5th degree felony on each subsequent offense. However, a 4th degree felony on a subsequent offense if that offender is convicted of or pleads guilty to at least two acts of cruelty involving the same equine within a two-year period.
Failing to provide necessary and timely veterinary care when the person knew or reasonably should have known the equine was ill, injured, or in pain; or Transporting the equine in a manner likely to cause injury or suffering, including confinement in extreme temperatures, water deprivation, overcrowding, or unsafe handling conditions; or Impounding or confining the equine without affording it access to shelter appropriate for the equine's species, size, and health, or otherwise exposing it to adverse environmental conditions likely to cause sickness or suffering. Appropriate shelter includes protection from heat, cold, wind, rain, snow, or excessive direct sunlight and access to dry resting areas and safe footing.	A person who confines an equine or is an equine's custodian or caretaker	Negligently	2nd degree misdemeanor on a first offense and a 1st degree misdemeanor on each subsequent offense. However, a 4th degree felony on a subsequent offense if that offender is convicted of or pleads guilty to at least two acts of cruelty involving the same equine within a two-year period.

Exemptions

The bill's equine cruelty prohibitions do not apply to any of the following:

- An equine used in scientific research conducted by an institution in accordance with federal law;
- The lawful practice of veterinary medicine by a person who has been legally issued a license, temporary permit, or registration certificate to do so under Ohio's Veterinary Law;
- An equine being used exclusively in bona fide agricultural production or farm work; and
- The administering of medicine to an equine that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio's Veterinary Law.[6]

Impoundment and disposition

The bill establishes procedures for the seizure, impoundment, care, and monitoring of equines involved in cruelty cases, generally paralleling current law provisions applicable to companion animal cruelty cases.

Under continuing law, an officer may seize and impound, at an impounding agency, any animal that the officer has probable cause to believe is the subject of an animal cruelty offense. An impounding agency is a county humane society, an animal shelter, or a law enforcement agency that has impounded an animal. Continuing law also requires the officer to notify the animal's owner, keeper, or harborer of such seizure and requires a court to hold a hearing to determine whether the officer had probable cause.[7]

Authorizations if the equine is impounded

If an equine is impounded in accordance with current law's procedures, the bill allows an impounding agency to obtain emergency veterinary care for the equine when, in good faith, the impounding agency determines such care is necessary to prevent suffering. It also specifies that the impounding agency and its agents are immune from civil liability for reasonable, good faith actions taken to secure that care.[8]

Additionally, a court may order an equine cruelty offender to reimburse an impounding agency for the reasonable and necessary costs of care the agency incurred for an equine that is impounded as a result of the equine cruelty investigation or prosecution.[9]

Authorizations if the equine is not impounded

If an equine is not impounded, but equine cruelty charges are filed against an equine's custodian or caretaker, the bill allows a court to order the owner or person having custody of the equine to provide it with sustenance, appropriate shelter, and necessary and timely veterinary

[6] R.C. 959.135(E).

[7] R.C. 959.132(B), (C), and (E).

[8] R.C. 959.132(H)(2)(b).

[9] R.C. 959.99(F)(5)(b).

care until the final disposition of the charges. If the court issues that order, the court also may authorize an officer or another person to visit the place where the equine is being kept to determine whether the equine is receiving appropriate care. The court also may set the times and conditions of those visits in the order. The officer or other person must remove and impound the equine if it is not receiving that care.[10]

Equine forfeiture

The bill authorizes a court to do one or both of the following:

1. Order an equine cruelty offender to forfeit any or all of the equines in that person's ownership or care to an impounding agency; and
2. Prohibit or place limitations on that person's ability to own or care for any equines for a specified or indefinite period of time.[11]

Psychological evaluation or counseling

The bill also allows a court to require an equine cruelty offender to undergo psychological evaluation or counseling if the court has reason to believe that the offender has a mental or emotional disorder that contributed to the violation. The court may impose that requirement as a community control sanction or as a condition of probation. The offender must pay for any required evaluation or counseling.[12]

Rules

The bill requires the Director of Agriculture to adopt rules that are necessary to implement and enforce the bill's provisions. The Director must consult with the Ohio Livestock Care Standards Board and recognized equine organizations identified by the Director when adopting rules. Those rules must include species-appropriate shelter standards, minimum care requirements, veterinary care guidelines, transportation standards, seizure procedures, and recordkeeping requirements.[13]

HISTORY

Action	Date
Introduced	08-12-26

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[10] R.C. 959.132(H)(2)(a).

[11] R.C. 959.99(F)(5)(a).

[12] R.C. 959.99(F)(6).

[13] R.C. 959.135(F).