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136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Cutrona

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SUMMARY

- Increases the penalties for violating misdemeanor and felony companion animal cruelty offenses.
- Requires a court to impose the maximum prison term on misdemeanor and felony companion animal cruelty offenders.
- Expands the prohibition that bans a felony animal abuse offender from owning certain animals under specified circumstances.

DETAILED ANALYSIS

Companion animal cruelty offenses

The bill increases the penalties for violations of misdemeanor and felony companion animal cruelty offenses. A companion animal is any dog, any cat, or any other animal that is kept inside a residential dwelling. The new penalties are set forth in the following table:¹

Companion animal cruelty prohibitions		
Prohibition	Current law penalty	New penalty under the bill
Prohibits a person from knowingly torturing, tormenting, needlessly mutilating or maiming, cruelly beating, poisoning,	1 st degree misdemeanor on first offense and 5 th degree felony on each	5 th degree felony on first offense and 3 rd degree felony if the offender

¹ R.C. 959.99; R.C. 959.131(A)(1), not in the bill.

Companion animal cruelty prohibitions		
Prohibition	Current law penalty	New penalty under the bill
needlessly killing, or committing an act of cruelty against a companion animal. ²	subsequent offense	has a prior violation of any prohibition set forth in the companion animal law
Prohibits a person from knowingly causing serious physical harm to a companion animal. ³	5 th degree felony	3 rd degree felony
Prohibits a person who confines or who is the custodian or caretaker of a companion animal from negligently doing any of the following: <ul style="list-style-type: none"> ▪ Torturing, tormenting, or committing an act of cruelty against the companion animal; ▪ Depriving the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement; or ▪ Impounding or confining the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.⁴ 	2 nd degree misdemeanor on first offense and 1 st degree misdemeanor on each subsequent offense	1 st degree misdemeanor on first offense and 5 th degree felony if the offender has a prior violation of any prohibition set forth in the companion animal law
Prohibits a person who confines or who is the custodian or caretaker of a companion animal from recklessly depriving the companion animal of necessary sustenance or confining the	1 st degree misdemeanor on first offense and 5 th degree felony on each	5 th degree felony on first offense and 3 rd degree felony if the offender has a prior

² R.C. 959.131(B), not in the bill.

³ R.C. 959.131(C), not in the bill.

⁴ R.C. 959.131(D), not in the bill.

Companion animal cruelty prohibitions		
Prohibition	Current law penalty	New penalty under the bill
companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water. ⁵	subsequent offense	violation of any prohibition set forth in the companion animal law
Prohibits an owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal from knowingly doing any of the following: <ul style="list-style-type: none"> ▪ Torturing, tormenting, or committing an act of cruelty against the companion animal; ▪ Depriving the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement; or ▪ Impounding or confining the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.⁶ 	5 th degree felony	3 rd degree felony
Prohibits an owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal from negligently doing any of the following: <ul style="list-style-type: none"> ▪ Torturing, tormenting, or committing an act of cruelty against the companion animal; ▪ Depriving the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal 	1 st degree misdemeanor	5 th degree felony on first offense and 3 rd degree felony if the offender has a prior violation of any prohibition set forth in the

⁵ R.C. 959.131(E), not in the bill.

⁶ R.C. 959.131(F), not in the bill.

Companion animal cruelty prohibitions		
Prohibition	Current law penalty	New penalty under the bill
<p>would become sick or suffer in any other way as a result of or due to the deprivation or confinement; or</p> <ul style="list-style-type: none"> ▪ Impounding or confining the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.⁷ 		companion animal law

Additionally, if an offender is convicted of or pleads guilty to one of the aforementioned companion animal cruelty prohibitions, the court must impose a mandatory prison term (for felonies) or jail term (for misdemeanors) that is the maximum term allowed for the degree of violation.⁸ For example, under current law, a court may generally prescribe a prison term of 9, 12, 18, 24, 30, or 36 months on a third degree felony offender.⁹ Under the bill, if that offender is convicted of knowingly causing serious physical harm to a companion animal (a third degree felony) the court generally must sentence that person to the maximum term of 36 months in prison.

Prohibition against a felon owning a companion animal

The bill expands the prohibition that bans a person who is convicted of or pleads guilty to a felony animal abuse offense from knowingly owning, possessing, having custody of, or residing in a residence with certain animals. Under current law, the prohibition applies only to an unspayed or unneutered dog older than 12 weeks and to any dangerous dog. The bill applies the prohibition to **any companion animal**.

Under the bill, the prohibition applies for three years after the person is released from incarceration or, if the person is not incarcerated, three years from the date that the person is convicted of or pleads guilty to the animal abuse offense. Under current law, the prohibition also applies for three years after incarceration release, but also applies, if the person is not incarcerated, for three years after the final release from any other sanctions imposed on the person.¹⁰

⁷ R.C. 959.131(G), not in the bill.

⁸ R.C. 959.99(F).

⁹ See R.C. 2929.14(A)(3)(b), not in the bill.

¹⁰ R.C. 959.23, conforming changes in R.C. 955.54.

HISTORY

Action	Date
Introduced	02-04-25
