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**TESTIMONY ON OHIO H.B. 60  
Presented by Kyle A. Silvers, Esq.  
Submitted to the Ohio Senate Agriculture Committee  
Tuesday, April 12, 2016**

Chairman Hite, Vice-Chairman Hackett, Ranking Minority Member Gentile and distinguished members of the Senate Agriculture Committee, my name is Kyle Silvers; I am an attorney located in Toledo, Ohio. For the last several years, I have also served as the Appointed Prosecutor for the Wood County Humane Society in Bowling Green, Ohio. I apologize for my inability to appear before you personally today as planned, but I was unavoidably detained in New York.

In my capacity as an appointed prosecutor, I believe that I may be uniquely situated to proffer my written testimony in support of House Bill 60 as originally introduced, as this is a bill that would provide our humane law enforcement teams the tools they need right now to make Ohio a safer place for both companion animals and our citizens.

As you have already heard, Ohioans have been appalled by reports of horrifically neglectful, malicious, intentionally violent, abusive treatment of animals. In my capacity as an appointed prosecutor, I have had cases in which animals have been beaten, starved, shot, stabbed and hanged. I have seen dogfighting. I have taken a case to trial in which a young man Tasered the genitalia of the family dog and puppies before moving on to young children in the home. I have seen a puppy tossed out of a second story window and then used as the "baseball" in a game. I have seen bestiality.

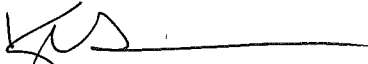
As you are aware, under the present Ohio law, unless an act of cruelty is knowingly committed by the owner, manager or employee of a dog kennel, or a dogfighter, animal abusers are only charged with a first or second degree misdemeanor for a first act of cruelty, regardless of how egregious the act. This does nothing to temper the high rate of recidivism. Being able to assign felony charges to such animal cruelty acts will not only address the horrific crimes themselves, it will address the established fact that cruelty to animals often a precursor to violence against humans.

Our neighboring states have felony charges for animal cruelty. Michigan has a felony charge for the first offense of intentional infliction of pain on an animal, neglect of four or more animals, for violation of duty to provide care when subsequent offense, and animal fighting depending on the severity of conduct. Indiana has a Class D felony charge for first offense of cruelty, neglect when prior unrelated conviction, and animal fighting. West Virginia has a felony charge for first offense for intentional animal cruelty. Pennsylvania has a 3<sup>rd</sup> degree felony charge for a subsequent offense of cruelty, taunting or torturing police animals, and animal fighting. It is a 3<sup>rd</sup> degree felony on the subsequent offense if a person willfully and maliciously kills, maims, mutilates, tortures or disfigures any domestic dog or cat, or service dog in Pennsylvania. Kentucky has a Class D felony charge in the 1<sup>st</sup> degree for a first offense for torture which results in serious physical injury or death as a result of the torture. I respectfully encourage Ohio to provide felony charges for causing physical harm or death to a companion animal.

I believe that the Senate Agriculture Committee should support H.B. 60 as originally introduced, and that the proposed amendment to remove appointed prosecutors from felony prosecutions must be deleted from this bill. Currently Ohio law provides for humane societies to work with appointed prosecutors, like myself, on misdemeanor cruelty, and it is essential that if this law passes we are able to take on these felony cases or at a minimum be appointed second chair. Animal cruelty cases benefit from the involvement of appointed prosecutors with experience and expertise in animal cruelty law and understand the legal opportunities to expedite these cases since the evidence in these cases is living beings. Animals who are held as evidence for long periods of time often deteriorate mentally and physically to the point that they have to be euthanized. In addition, the original bill included egregious neglect that leads to the death of a companion animal along with knowing acts, and we believe that language must be added back into this bill.

Thank you for your time and consideration. I would be happy to address any questions you may have.

Very truly yours,

  
Kyle A. Silvers, Esq.