

SUBSTITUTE HOUSE BILL 60 – INTERESTED PARTY TESTIMONY OF

Pat Fogo, Representative

Angels for Animals, Animal Cruelty Task Force of Ohio, Joseph's Legacy, Justice for Herbie, Nitro Foundation/Nitro's Ohio Army, Ohio Coalition of Dog Advocates, Ohio Voters for Companion Animals, Inc. and Paws and the Law

April 26, 2016 – Senate Agriculture Committee

Good morning Chairman Hite and Members of the Senate Agriculture Committee.

My name is Pat Fogo and I currently reside with my family in Sheffield, Ohio (Lorain County). I am here today speaking on behalf of the following eight grassroots animal welfare organizations - Animal Cruelty Task Force of Ohio, Joseph's Legacy, Justice for Herbie, Nitro Foundation/Nitro's Ohio Army, Ohio Coalition of Dog Advocates, Ohio Voters for Companion Animals, Inc., Paws and the Law and Matt Ditchey, Esq. (Angels for Animals) - as an Interested Party for Ohio Substitute House Bill 60.

Representing over 77,000 constituents across 81 Ohio counties, our seven Ohio-citizen driven, community based organizations are the driving force behind legislative efforts to address issues impacting the health and safety of companion animals as defined under Ohio Revised Code 959. Our supporters include a diverse section of voters and taxpayers from across the state, including but not limited to, a broad range of dog enthusiasts, veterinarians, breeders, animal care and welfare organizations, animal control representatives, appointed humane agents, judges, attorneys, and government employees who understand state and federal governance.

Given our coalition's dedication to educate and support the law enforcement and judicial communities in the enforcement and administration of Ohio's animal welfare laws, I want to begin my testimony by thanking Representatives Patmon and Hall for their leadership in sponsoring this important piece of legislation for Ohioans.

Our coalition strongly agrees that companion animal cruelty is viewed as a serious issue by law enforcement and mental health professionals, who recognize the strong link between companion animal abuse and human violence. While Ohio's humane ranking has improved over the past four years with the passage of House Bill 14 in the 129th Ohio General Assembly and Nitro's Law as an amendment to House Bill 59 in the 130th Ohio General Assembly, when we look closely at our cruelty statute it remains rather weak in comparison to other states across the country.

However, our supporters have expressed concerns that amended House Bill 60 provides weaker protections than those passed under amended HB 274 in the Ohio House during the 130th Ohio General Assembly. Their greatest concerns include the following (which has also been outlined in the matrix accompanying this testimony):

1. Under O.R.C. 959.131, a custodian or caretaker who negligently causes "cruelty" can be charged with a second degree misdemeanor on first offense and a first degree misdemeanor on a subsequent offense. Under amended HB 60, there would be no change to existing law.
 - ✓ **Recommendation:** Retain the original language of amended HB 274 which provides a charge of a second degree misdemeanor on the first offense and a fifth degree felony if the cruelty resulted in death; a charge of a first degree misdemeanor on a subsequent offense and a fifth degree felony if the cruelty resulted in death.
2. Under O.R.C. 959.131, a custodian or caretaker who negligently fails to provide food and water can be charged with a second degree misdemeanor on first offense and a first degree misdemeanor on a subsequent offense. Under amended HB 60, there would be no change to existing law.
 - ✓ **Recommendation:** Retain the original language of amended HB 274 which provides a charge of a second degree misdemeanor on the first offense and a fifth degree felony if the cruelty resulted in death; a charge of a first degree misdemeanor on a subsequent offense and a fifth degree felony if the cruelty resulted in death.
3. Under O.R.C. 959.131, a custodian or caretaker who negligently fails to provide shelter can be charged with a second degree misdemeanor on first offense and a first degree misdemeanor on a subsequent offense. Under amended HB 60, there would be no change to existing law.

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- ✓ **Recommendation:** Retain the original language of amended HB 274 which provides a charge of a second degree misdemeanor on the first offense and a fifth degree felony if the cruelty resulted in death; a charge of a first degree misdemeanor on a subsequent offense and a fifth degree felony if the cruelty resulted in death.
- 4. Under O.R.C. 959.131, a kennel owner or worker who negligently causes "cruelty" can be charged with a first degree misdemeanor. Under amended HB 60, there would be no change to existing law.
 - ✓ **Recommendation:** Retain the original language of amended HB 274 which provides a charge of a first degree misdemeanor on the first offense and a fifth degree felony if the cruelty resulted in death.
- 5. Under O.R.C. 959.131, a kennel owner or worker who negligently fails to provide food and water can be charged with a first degree misdemeanor. Under amended HB 60, there would be no change to existing law.
 - ✓ **Recommendation:** Retain the original language of amended HB 274 which provides a charge of a first degree misdemeanor on the first offense and a fifth degree felony if the cruelty resulted in death.
- 6. Under O.R.C. 959.131, a kennel owner or worker who negligently fails to provide shelter can be charged with a first degree misdemeanor. Under amended HB 60, there would be no change to existing law.
 - ✓ **Recommendation:** Retain the original language of amended HB 274 which provides a charge of a first degree misdemeanor on the first offense and a fifth degree felony if the cruelty resulted in death.
- 7. Under O.R.C. 2931.18, a humane society or its agent may employ an attorney or one or more assistant attorneys to prosecute a felony violation of the statute prohibiting cruel treatment of companion animals. Under amended HB 60, this authority would be repealed.
 - ✓ **Recommendation:** Remove language which would repeal the authority for a humane society or its agent to employ an attorney or one or more assistant attorneys to prosecute a felony violation of the statute prohibiting cruel treatment of companion animals

Although there is much more work left to be done, to enact a felony provision for companion animal cruelty would mark a significant milestone in an undeniable trend favoring increased penalties for those who commit profound acts of serious physical injury and neglect against all companion animals. *For this reason, we recommend that any change to existing law which would strengthen penalties against a kennel owner or worker be referenced as "Nitro's Law", in honor of a beloved canine whose horrific death served as a catalyst for the emergence of a statewide consensus that egregious abuse against a companion animal should be treated as a serious crime.*

It is our hope this Committee will reflect on the opinions expressed by our eight groups and their supporters in today's testimony prior to recommending passage of Ohio Substitute House Bill 60.

As the representative for Animal Cruelty Task Force of Ohio, Joseph's Legacy, Justice for Herbie, Nitro Foundation/Nitro's Ohio Army, Ohio Coalition of Dog Advocates, Ohio Voters for Companion Animals, Inc., Paws and the Law and Matt Ditchey, Esq. (Angels for Animals), I greatly appreciate your time and consideration on this important piece of legislation for Ohioans, and I welcome any questions you may have.