

April 25, 2016

The Ohio Senate
Agriculture Committee
c/o Chairman Cliff Hite

Re: Interested Party testimony to HB 60

Dear Chairman Hite and Honorable Members of the Senate Agriculture Committee,

I submit this written testimony regarding House Bill 60 ("HB 60"), a bill currently under your guidance that would elevate some acts of animal cruelty to a felony. An amendment to this bill repeals our local humane societies' ability to appoint a prosecutor for cases related to those acts of animal cruelty. I have served as a prosecutor for animal cruelty cases for over three years.

Ohio has made great strides in animal welfare over the past five years. Notably, the passage of Nitro's Law, House Bill 14, enacted a first offense felony provision related to owners and operators of dog kennels. Many of the proponents of HB 60 addressed the need for stronger laws related to egregious acts of animal cruelty and how those laws help to protect not only animals, but people. I agree with and echo their sentiments.

It is difficult to define what constitutes the most egregious acts of animal cruelty. However, I submit to this Committee that House Bill 274 (HB 274) addressed those acts, while amended HB 60 does not. HB 274 rightfully made the death of an animal resulting from egregious cruelty or neglect a fifth degree felony. HB 60, unlike its predecessor, omits important egregious acts such as death resulting from starvation or veterinary neglect. Having prosecuted many animal cruelty cases, I can confidently say that starvation and veterinary neglect are some of the most torturous, painful, and heinous acts committed against animals. It takes a truly depraved individual to sit idly by as their companion slowly deteriorates and dies.

There can be no doubt that animal cruelty crimes are serious and deserve our attention. Most often, animal cruelty cases are handled by local humane societies. The humane society model relieves our state of the burden and expense of caring for animals. It is no secret that our local animal control, sheriffs, and police are often underpaid, understaffed, and overburdened. For that reason, the legislature of this state delegated a very important task to humane societies. While the legislature recognized a need for crimes against animals to be investigated and prosecuted, they also realized that other things are a priority when governmental funds are limited. That is why it is so important that humane societies are given the tools needed to handle these cases in an efficient manner. HB 60 removes one of those tools—the ability of a humane society to appoint a prosecutor for felony animal cruelty. It is my opinion that if HB 60 is passed through this committee as drafted, it will have a drastic chilling effect on the valuable services our local humane societies provide, often free of charge, to both humans and animals alike.

Disallowing the appointment of prosecutors for these cases of animal cruelty has clear and wide-ranging consequences for animals and people. Animal cruelty cases

require that the state prove the cause of the animal's condition and humane societies bear the monetary burden of collecting such evidence. The animals involved with cruelty cases are almost always kept in the humane society's custody. Appointed prosecutors have the ability to focus on these cases in a manner that overburdened local prosecutors often do not, resulting in efficient movement through the courts. This reduces the burden on humane societies, but also on the animals themselves. As many proponents noted, 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, chilling the primary goal of animal cruelty enforcement—to rescue animals from conditions of abuse and neglect and rehabilitate them.

A somewhat less obvious consequence is that ***the amendment's language may actually remove a humane society's ability to prosecute felony animal cruelty crimes altogether***. The power of a humane society to prosecute is given in the ORC. The same is true for park districts, municipalities, and townships. There is a misunderstanding about ORC §2931.18, which not only gives humane societies the authority to appoint a private prosecutor, but ***also*** a local prosecutor. If this amendment language remains, humane societies may lose their ability to prosecute felony animal abuse cases altogether. This would cause the burden of felony companion animal cruelty enforcement to fall on localities, such as the county sheriff, which do not normally have facilities to house animals. Further, ORC §2931.18 is being given full evaluation as part of another bill, House Bill 278.

I encourage this Committee to take action against the most egregious acts of animal cruelty by supporting language contained in HB 274, or at the least, supporting HB 60 as originally introduced in the House. A bill of this magnitude deserves careful consideration.

I appreciate your attention to this matter.

Yours truly,

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