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The Ohio Senate
Agriculture and Natural Resources Committee
c/o Chairman Schaffer

Re: Proponent testimony to SB 164

Dear Chairman Schaffer and Honorable Members of the Senate Agriculture and Natural Resources Committee,

We submit this written testimony in support of Senate Bill 164 ("SB 164"), a bill currently under your guidance. Our office has served as prosecutors for animal cruelty cases for over 30 years. Over that time, we have prosecuted thousands of animal cruelty cases under Revised Code Chapter 959.

We also have had many opportunities to provide training for humane society agents, dog wardens, veterinarians and attorneys on animal cruelty law. We are instructors for the OPOTA-approved humane society agent training provided by the Ohio Animal Welfare Federation, and serve as adjunct professors for Animal Law at Case Western University School of Law and the Cleveland-Marshall School of Law.

Ohio has made great strides in animal welfare over the past decade. Notably, the passage of Nitro's Law, House Bill 14, introduced a first offense felony provision related to owners and operators of dog kennels. Goddard's Law, House Bill 60, introduced a first offense felony for certain egregious acts of animal cruelty. Many of the proponents of SB 164 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. We agree with those sentiments.

In addition, HB 164 helps clarify and standardize current law, as follows:

- Removes the often confusing definition and use of "serious physical harm" in favor of clear terms consistent with the remainder of the statute.
- Subjects both nonregistered and registered animal rescues to the same penalty for violations of sections F and G. Under current law, nonregistered animal rescues are subject to a lesser penalty for these offenses than registered animal rescues

that have complied with the registration law.

- Revises the terminology in sections F and G, which pertain to offenses related to depriving a companion animal of sufficient food and water and access to shelter, to be consistent with the remainder of the statute.

SB 164 also makes meaningful changes to Ohio's companion animal cruelty laws by addressing the following offenses and sentencing revisions:

- Revises section B to include fifth degree felony provisions for certain egregious offenses committed knowingly against companion animals. Those offenses include needless killing and unnecessary or unjustifiable beating, mutilation, maiming, or poisoning where it causes acute pain that results in substantial suffering, prolonged or intractable pain, or carries a substantial risk of death.
- Revises section C to include fourth degree felony provisions for certain egregious offenses committed knowingly against companion animals where such actions cause death. Those offenses include the unnecessary or unjustifiable beating, mutilation, maiming, or poisoning of a companion animal.
- Creates a fifth degree felony provision for knowingly organizing, promoting, aiding, or abetting a violation of section C.
- Creates a first time, first degree misdemeanor offense for recklessly failing to provide a companion animal with sufficient food and water, lowering the prosecutorial burden from "knowing" conduct. A second violation of this section is a fifth degree felony.

Finally, as prosecutors, one of the chief complaints from members of the public is that first time offenders of even the most serious acts of animal cruelty rarely face incarceration in jail or prison. SB 164 takes the important step of classifying the most egregious felony and first degree misdemeanor offenses as "violent offenses." Such classification removes the existing presumption against incarceration for violations of these offenses, allowing judicial discretion in sentencing. This classification also makes such convictions non-expungeable (sealable), meaning it remains on the offender's criminal record for life. This is consistent with other egregious crimes, such as domestic violence offenses.

We encourage this Committee to take action against the most egregious acts of animal cruelty by supporting SB 164. We appreciate your attention to this matter.

Yours truly,

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