
HOLLAND & MUIRDEN

ATTORNEYS AT LAW

1343 Sharon-Copley Road • P.O. Box 345 • Sharon Center, OH 44274
Phone (330) 239-4480 Fax (330) 239-6224 Toll Free (877) 239-4480

attorneys@hmlawohio.com
www.holland-muirden.com

J. JEFFREY HOLLAND
MARJORIE A. MUIRDEN
GREGORY L. HAIL
DANAMARIE K. PANNELLA

March 13, 2018

The Ohio House Community and Family Advancement Committee
Mary.Chambers@ohiohouse.gov

Re: Proponent testimony for HB 523

Dear Honorable Chair and Members of the House Judiciary Committee,

I write today to provide proponent testimony for HB 523, legislation to strengthen Ohio's animal and child abuse reporting laws.

By way of introduction, I am an attorney licensed in the State of Ohio since 1988. I have served as a prosecutor for hundreds of animal cruelty cases in dozens of courts throughout the State of Ohio. Animal law currently comprises the majority of my practice. I frequently conduct continuing education sessions on animal cruelty law for law enforcement, attorneys and veterinarians. I also teach Animal Law at Case Western Reserve University School of Law.

Ours is one of the few law firms in the State which dedicates the bulk of our practice to animal welfare. As such, we encounter cases of cruelty, neglect and abandonment every day. Other proponents of this bill have cited the link between animal cruelty and human violence. The national Association for Prosecuting Attorneys has recognized that link, and urges prosecutors to give animal cruelty cases as much priority as other crimes of violence. (See <http://www.apainc.org/programs/animal-cruelty/>.) The link between animal *neglect*, and the neglect of children, the disabled and the elderly is just as clear.

The most common animal offense we encounter involves animal hoarding. Offenders collect and keep more animals than they can care for, causing filthy conditions which adversely affect humans and animals alike

Furthermore, concern has risen in recent years from law enforcement and community leaders about people who either abuse drugs prescribed to pets, or intentionally harm animals to obtain the drugs. House Bill 60 (also known as "Goddard's Law") passed in 2016 included language that allows Attorney General Mike DeWine to work with the Ohio Veterinary Medical

Association and state licensing boards to educate veterinarians about possible abuse by people who seek medications for dogs, cats and other pets.

Individuals who abuse animals to obtain drugs are already committing a crime in Ohio. They are committing either violations of ORC §959.131(B) (knowingly causing cruelty to a companion animal), ORC §959.131(C) (knowingly causing "serious physical harm" to a companion animal), or ORC §959.13(A)(1) (recklessly causing cruelty to an animal other than a companion animal, which may include livestock, etc.). These crimes range from second degree misdemeanors to fifth degree felonies.

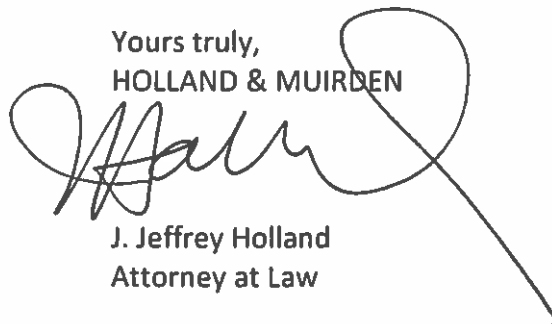
However, law enforcement is often left in the dark because most veterinarians are under the mistaken belief that they cannot report suspected animal abuse to law enforcement. There is no confidentiality law that applies to animal records in Ohio, however veterinarians are concerned about civil liability.

There are 31 state laws related to the reporting of animal cruelty by veterinarians. The premier professional organizations for veterinarians, the American Veterinary Medical Association (AVMA) and the American Animal Hospital Association (AAHA), have both issued policy statements that address reporting of animal abuse by veterinarians. The 2015 AAHA position statement "supports the reporting of suspicions of animal abuse to the appropriate authorities. The Association encourages the adoption of laws mandating veterinary professionals to report suspicions of animal abuse and providing immunity from legal liability when filing such reports in good faith."

A veterinarian's role is critical in both detecting and preventing animal abuse, as well as protecting humans from drug abuse. This legislation would ensure that not only drug crimes, but other abuses are also being reported to the appropriate authorities, while providing civil immunity for reports which are made in good faith.

Thank you again for your kind attention.

Yours truly,
HOLLAND & MUIRDEN

A handwritten signature in black ink, appearing to read "J. Holland", with a long, sweeping underline that extends to the right.

J. Jeffrey Holland
Attorney at Law

JJH/jh
Enclosure