



**Proponent Testimony on Senate Bill 205
Senate Judiciary Committee**

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Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to provide proponent testimony on Senate Bill 205, legislation to amend penalties for animal cruelty. I am the President & CEO of the Cleveland Animal Protective League (APL), which is the humane society for Cuyahoga County and one of the largest animal shelters in Ohio. We are a private, nonprofit, 501(c)(3) organization organized under Ohio Revised Code 1717, and as such, are authorized to appoint humane agents who enforce Ohio's animal protection laws.

I also chair the Advocacy Committee for the Ohio Animal Welfare Federation and am testifying on behalf of that organization, as well. The Ohio Animal Welfare Federation, formerly the Ohio Federated Humane Societies, is a 501(c)(3) nonprofit organization whose purpose is to prevent cruelty to animals by coordinating and enhancing the activities of private, nonprofit, 501(c)(3) animal welfare organizations incorporated in Ohio and county, municipal, and local animal agencies; share information with lawmakers and policymakers about the humane treatment of animals and their value to humans; provide training, resources and information on humane principles that will enhance the welfare of animals in the State of Ohio; and encourage cooperative, supportive, and collaborative relationships among humane societies, animal control facilities, and other animal welfare organizations. Currently, among our members are 24 humane societies from across the state that also have the authority to enforce Ohio's animal protection laws and will be enforcing the provisions of SB 205 if passed.

Ohio passed Goddard's law in 2016 to make knowingly committing an act of serious physical harm against a companion animal a fifth-degree felony. Senate Bill 205 would provide much needed updates to Goddard's Law by better aligning punishment for the most violent, inhumane, knowing acts of companion animal abuse that cause serious injury or substantial risk of death. It also would simplify and clarify language that will help humane agents, other law enforcement agencies, and prosecutors determine whether or not an act of animal cruelty should be charged as a felony.

Last year, the Cleveland APL was called to assist police with the investigation of a truly horrifying case. The defendant came upon a dog that had been left in a crate by a resident in an apartment complex parking structure. He doused it with accelerant and set it on fire – for no reason at all. The suspect was observed laughing as he left the scene. Witnesses called the police who rushed the dog to a veterinarian. Tragically, it had to be euthanized due to the extent of its injuries. The suspect in this brutal case pleaded guilty to a fifth-degree felony under Goddard's Law. Despite the malicious and egregious nature of an act such as this, violent acts of animal cruelty are not currently defined as a violent offense under Ohio's mandatory community control laws. Accordingly, judges are prevented from including prison time as a part of sentencing

unless the defendant's past criminal history included a misdemeanor within the past two years or a prior felony. All that leaves as punishment for the depraved torture and ultimate death of a helpless animal is a slap on the wrist in the form of a fine and probation.

The link between animal abuse and human violence has been well-documented. The defendant in that case has a significant criminal history including a previous conviction for aggravated assault. It just wasn't in the right timeframe. By not requiring prison time for these very serious crimes, the state is essentially ignoring this correlation. Senate Bill 205 seeks to change that by increasing penalties and providing judicial discretion in sentencing.

Other acts of cruelty we have investigated over the years that serve as good examples for the need to increase penalties and give judges discretion to sentence prison time include a suspect who called a cat from its owner's property in the city of Cleveland, bent down to pet the friendly cat, walked away, returned, shot the cat in the spine, and then watched it drag itself away in agony. And a suspect who brutally beat a cat by repeatedly throwing it to the ground, nearly killing it, who then walked away, came back with lighter fluid, doused the cat, and set it on fire. And a domestic violence offender who beat a helpless puppy to death. He was convicted for the domestic violence crimes, but sentencing did not address the violent crime against the puppy. No restriction on future animal ownership was imposed. And a mobile groomer who was caught on video brutally beating and torturing a dog for nearly 30 minutes until the dog lost consciousness, stopped breathing, and almost died. Those are just a few of ours, but there are many more.

Senate Bill 205 would better define extreme cruelty towards companion animals. It would simplify and clarify language and help humane agents, other law enforcement agencies, and prosecutors determine whether or not an act of animal cruelty should be charged as a felony. It would elevate the most egregious acts of violence, punishable by up to \$10,000 fine and up to either three or five years in prison and give judges discretion to sentence first time offenders to prison time. It also increases penalties for those who aid or abet these malicious, depraved acts.

This bill takes an important look at updates that are needed to Goddard's law. I appreciate the work of Senators Hottinger and O'Brien to address this issue. As a compassionate society, we need to set a higher legal and moral standard for how we hold one another accountable for such blatant cruelty against living creatures and ensure that the penalty for the act fits the crime.

In closing, one additional item I would encourage the committee to consider is expanding the definition of companion animal in Revised Code 959 to include any animal that primarily resides inside a residential dwelling as a pet. The current definition excludes livestock and wild animals. Animals such as potbelly pigs have been increasing in popularity as in-home pets. We had a recent case where a pet potbelly pig that lived inside the home had a gaping wound in its head for months. Under current law, which classifies it as "livestock," the highest degree of crime that can be charged is a second-degree misdemeanor regardless of the severity of the offense. It is the act itself that should define the severity of the crime and punishment, not the type of animal.

Thank you for the opportunity to weigh in on this legislation. I appreciate your thoughtful consideration of this important issue and am happy to answer any questions you may have.