

As Referred by the House Rules and Reference Committee

131st General Assembly

Regular Session

2015-2016

H. B. No. 177

Representative Celebrezze

**Cosponsors: Representatives Fedor, Cera, Brown, Antonio, Boyd, Phillips,
Lepore-Hagan, Boyce, Strahorn**

A BILL

To amend section 959.99 and to enact sections 1
959.30, 959.31, 959.32, 959.33, and 959.34 of 2
the Revised Code to require violators of 3
specified statutes in the Animal Cruelty Law to 4
register with the Attorney General, to require 5
the Attorney General to establish a registry of 6
those violators, and to prohibit an animal 7
shelter from placing for adoption a companion 8
animal in the shelter's care with such a 9
violation. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 959.99 be amended and sections 11
959.30, 959.31, 959.32, 959.33, and 959.34 of the Revised Code 12
be enacted to read as follows: 13

Sec. 959.30. As used in this section and sections 959.31 14
to 959.34 of the Revised Code: 15

(A) "Animal shelter" has the same meaning as in section 16
4729.01 of the Revised Code. 17

(B) "Humane society" and "law enforcement officer" have 18
the same meanings as in section 935.01 of the Revised Code. 19

Sec. 959.31. (A) For purposes of the registry established 20
under section 959.32 of the Revised Code, an individual who has 21
been convicted of or pleaded guilty to a violation of section 22
959.01, 959.02, 959.03, 959.13, 959.131, 959.14, 959.15, 959.16, 23
959.17, 959.18, or 959.20 of the Revised Code shall submit the 24
following information to the attorney general not later than 25
thirty days after being convicted of or pleading guilty to such 26
a violation: 27

(1) The individual's name, address, gender, and date of 28
birth; 29

(2) Details of the violation of section 959.01, 959.02, 30
959.03, 959.13, 959.131, 959.14, 959.15, 959.16, 959.17, 959.18, 31
or 959.20 of the Revised Code, including a description of and 32
the gender and age of each animal that was a victim of the 33
violation; 34

(3) A description of any enforcement action taken; 35

(4) Any additional information that the attorney general 36
considers necessary. 37

(B) A person who is required to submit information under 38
this section shall submit a ten-dollar fee along with the 39
information. The fee shall be credited to the animal abuser 40
registration fund created in section 959.34 of the Revised Code. 41

(C) No individual shall knowingly violate this section. 42

Sec. 959.32. (A) The attorney general shall establish and 43
maintain a registry of violations of sections 959.01, 959.02, 44
959.03, 959.13, 959.131, 959.14, 959.15, 959.16, 959.17, 959.18, 45

and 959.20 of the Revised Code. The attorney general shall make 46
the registry available to local and state law enforcement 47
agencies. In addition, the attorney general shall post the 48
registry on the attorney general's web site. 49

(B) The registry shall include all of the information 50
submitted under section 959.31 of the Revised Code. 51

(C) A law enforcement officer, agent of a humane society 52
appointed under section 1717.06 of the Revised Code, or dog 53
warden or deputy dog warden appointed under Chapter 955. of the 54
Revised Code who becomes aware of a violation of section 959.01, 55
959.02, 959.03, 959.13, 959.131, 959.14, 959.15, 959.16, 959.17, 56
959.18, or 959.20 of the Revised Code shall inform the attorney 57
general of that violation and provide the attorney general with 58
information regarding the violation as specified in section 59
959.31 of the Revised Code, if known. The attorney general shall 60
enter that information into the registry established under 61
division (A) of this section. 62

Sec. 959.33. (A) An animal shelter shall not place for 63
adoption a companion animal that is kept or harbored by the 64
shelter with an individual whose name is on the registry 65
established under section 959.32 of the Revised Code. 66

(B) As used in this section, "companion animal" has the 67
same meaning as in section 959.131 of the Revised Code. 68

Sec. 959.34. There is hereby created in the state treasury 69
the animal abuser registration fund. The fund shall consist of 70
money credited to the fund under section 959.31 of the Revised 71
Code. The attorney general shall use money in the fund to 72
administer and enforce sections 959.30 to 959.34 of the Revised 73
Code. 74

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of the Revised Code is guilty of a minor misdemeanor. 75
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(B) Except as otherwise provided in this division, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars or more, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the first degree. 77
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(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, or 959.17 of the Revised Code is guilty of a misdemeanor of the fourth degree. 83
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(D) Whoever violates division (A) of section 959.13 of the Revised Code is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. 86
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(E) (1) Whoever violates division (B) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense. 97
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(2) Whoever violates section 959.01 of the Revised Code or division (C) of section 959.131 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a 101
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misdemeanor of the first degree on each subsequent offense. 104

(3) Whoever violates division (D) of section 959.131 of 105
the Revised Code is guilty of a felony of the fifth degree. 106

(4) Whoever violates division (E) of section 959.131 of 107
the Revised Code is guilty of a misdemeanor of the first degree. 108

(5) (a) A court may order a person who is convicted of or 109
pleads guilty to a violation of section 959.131 of the Revised 110
Code to forfeit to an impounding agency, as defined in section 111
959.132 of the Revised Code, any or all of the companion animals 112
in that person's ownership or care. The court also may prohibit 113
or place limitations on the person's ability to own or care for 114
any companion animals for a specified or indefinite period of 115
time. 116

(b) A court may order a person who is convicted of or 117
pleads guilty to a violation of section 959.131 of the Revised 118
Code to reimburse an impounding agency for the reasonably 119
necessary costs incurred by the agency for the care of a 120
companion animal that the agency impounded as a result of the 121
investigation or prosecution of the violation, provided that the 122
costs were not otherwise paid under section 959.132 of the 123
Revised Code. 124

(6) If a court has reason to believe that a person who is 125
convicted of or pleads guilty to a violation of section 959.131 126
of the Revised Code suffers from a mental or emotional disorder 127
that contributed to the violation, the court may impose as a 128
community control sanction or as a condition of probation a 129
requirement that the offender undergo psychological evaluation 130
or counseling. The court shall order the offender to pay the 131
costs of the evaluation or counseling. 132

(F) Whoever violates section 959.14 of the Revised Code is 133
guilty of a misdemeanor of the second degree on a first offense 134
and a misdemeanor of the first degree on each subsequent 135
offense. 136

(G) Whoever violates section 959.05 ~~or ,~~ 959.20, or 959.31 137
of the Revised Code is guilty of a misdemeanor of the first 138
degree. 139

(H) Whoever violates section 959.16 of the Revised Code is 140
guilty of a felony of the fourth degree for a first offense and 141
a felony of the third degree on each subsequent offense. 142

Section 2. That existing section 959.99 of the Revised 143
Code is hereby repealed. 144