

As Reported by the Senate Criminal Justice Committee

131st General Assembly

Regular Session

2015-2016

Am. S. B. No. 195

Senators Hughes, Hottinger

Cosponsors: Senators Yuko, LaRose, Williams, Eklund

A BILL

To amend section 959.99 and to enact section 959.21 1
of the Revised Code to prohibit a person from 2
engaging in sexual conduct with an animal and 3
related acts, to provide for the seizure and 4
impoundment of an animal that is the subject of 5
a violation, and to authorize a sentencing court 6
to require an offender to undergo psychological 7
evaluation or counseling. 8

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

Section 1. That section 959.99 be amended and section 9
959.21 of the Revised Code be enacted to read as follows: 10

Sec. 959.21. (A) As used in this section: 11

(1) "Animal" means a nonhuman mammal, bird, reptile, or 12
amphibian, either dead or alive. 13

(2) "Offense" means a violation of this section or an 14
attempt, in violation of section 2923.02 of the Revised Code, to 15
violate this section. 16

(3) "Officer" has the same meaning as in section 959.132 17

of the Revised Code. 18

(4) "Sexual conduct" means either of the following 19
committed for the purpose of sexual gratification: 20

(a) Any act done between a person and animal that involves 21
contact of the penis of one and the vulva of the other, the 22
penis of one and the penis of the other, the penis of one and 23
the anus of the other, the mouth of one and the penis of the 24
other, the mouth of one and the anus of the other, the vulva of 25
one and the vulva of the other, the mouth of one and the vulva 26
of the other, any other contact between a reproductive organ of 27
one and a reproductive organ of the other, or any other 28
insertion of a reproductive organ of one into an orifice of the 29
other; 30

(b) Without a bona fide veterinary or animal husbandry 31
purpose to do so, the insertion, however slight, of any part of 32
a person's body or any instrument, apparatus, or other object 33
into the vaginal, anal, or reproductive opening of an animal. 34

(B) No person shall knowingly engage in sexual conduct 35
with an animal or knowingly possess, sell, or purchase an animal 36
with the intent that it be subjected to sexual conduct. 37

(C) No person shall knowingly organize, promote, aid, or 38
abet in the conduct of an act involving any sexual conduct with 39
an animal. 40

(D) An officer may seize and cause to be impounded at an 41
impounding agency an animal that the officer has probable cause 42
to believe is the subject of an offense. With respect to an 43
animal so seized and impounded, all procedures and requirements 44
that are established in section 959.132 of the Revised Code, and 45
all other provisions of that section, apply to the seizure, 46

impoundment, and disposition of the animal. References in 47
section 959.132 of the Revised Code to "section 959.131 of the 48
Revised Code," "companion animal," and "offense" shall be 49
construed, respectively, as being references to "section 959.21 50
of the Revised Code" and to "animal" and "offense" as defined in 51
this section, for purposes of application under this section 52
only. 53

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 54
of the Revised Code is guilty of a minor misdemeanor. 55

(B) Except as otherwise provided in this division, whoever 56
violates section 959.02 of the Revised Code is guilty of a 57
misdemeanor of the second degree. If the value of the animal 58
killed or the injury done amounts to three hundred dollars or 59
more, whoever violates section 959.02 of the Revised Code is 60
guilty of a misdemeanor of the first degree. 61

(C) Whoever violates section 959.03, 959.06, 959.12, 62
959.15, or 959.17 of the Revised Code is guilty of a misdemeanor 63
of the fourth degree. 64

(D) Whoever violates section 959.21 or division (A) of 65
section 959.13 of the Revised Code is guilty of a misdemeanor of 66
the second degree. In addition, the court may order the offender 67
to forfeit the animal or livestock and may provide for its 68
disposition, including, but not limited to, the sale of the 69
animal or livestock. If an animal or livestock is forfeited and 70
sold pursuant to this division, the proceeds from the sale first 71
shall be applied to pay the expenses incurred with regard to the 72
care of the animal from the time it was taken from the custody 73
of the former owner. The balance of the proceeds from the sale, 74
if any, shall be paid to the former owner of the animal. 75

(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.

(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 misdemeanor of the first degree on each subsequent offense.

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

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

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

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

(6) If a court has reason to believe that a person who is

convicted of or pleads guilty to a violation of section 959.131 105
or 959.21 of the Revised Code suffers from a mental or emotional 106
disorder that contributed to the violation, the court may impose 107
as a community control sanction or as a condition of probation a 108
requirement that the offender undergo psychological evaluation 109
or counseling. The court shall order the offender to pay the 110
costs of the evaluation or counseling. 111

(F) Whoever violates section 959.14 of the Revised Code is 112
guilty of a misdemeanor of the second degree on a first offense 113
and a misdemeanor of the first degree on each subsequent 114
offense. 115

(G) Whoever violates section 959.05 or 959.20 of the 116
Revised Code is guilty of a misdemeanor of the first degree. 117

(H) Whoever violates section 959.16 of the Revised Code is 118
guilty of a felony of the fourth degree for a first offense and 119
a felony of the third degree on each subsequent offense. 120

Section 2. That existing section 959.99 of the Revised 121
Code is hereby repealed. 122