

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 146

**Representative Brinkman
Cosponsor: Representative Romanchuk**

A BILL

To amend sections 959.132 and 959.99 and to enact 1
section 959.30 of the Revised Code to prohibit 2
an animal abuse offender from owning, 3
possessing, having custody of, or residing with 4
a companion animal for a specified time period. 5

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

Section 1. That sections 959.132 and 959.99 be amended and 6
section 959.30 of the Revised Code be enacted to read as 7
follows: 8

Sec. 959.132. (A) As used in this section: 9

(1) "Companion animal" has the same meaning as in section 10
959.131 of the Revised Code. 11

(2) "Impounding agency" means a county humane society 12
organized under section 1717.05 of the Revised Code, an animal 13
shelter, or a law enforcement agency that has impounded a 14
companion animal in accordance with this section. 15

(3) "Offense" means a violation of section 959.131 or 16
959.30 of the Revised Code or an attempt, in violation of 17

section 2923.02 of the Revised Code, to violate section 959.131 18
of the Revised Code. 19

(4) "Officer" means any law enforcement officer, agent of 20
a county humane society, or other person appointed to act as an 21
animal control officer for a municipal corporation or township 22
in accordance with state law, an ordinance, or a resolution. 23

(B) An officer may seize and cause to be impounded at an 24
impounding agency a companion animal that the officer has 25
probable cause to believe is the subject of an offense. No 26
officer or impounding agency shall impound a companion animal 27
that is the subject of an offense in a shelter owned, operated, 28
or controlled by a board of county commissioners pursuant to 29
Chapter 955. of the Revised Code unless the board, by 30
resolution, authorizes the impoundment of such a companion 31
animal in a shelter owned, operated, or controlled by that board 32
and has executed, in the case when the officer is other than a 33
dog warden or assistant dog warden, a contract specifying the 34
terms and conditions of the impoundment. 35

(C) The officer shall give written notice of the seizure 36
and impoundment to the owner, keeper, or harbinger of the 37
companion animal that was seized and impounded. If the officer 38
is unable to give the notice to the owner, keeper, or harbinger 39
of the companion animal, the officer shall post the notice on 40
the door of the residence or in another conspicuous place on the 41
premises at which the companion animal was seized. The notice 42
shall include a statement that a hearing will be held not later 43
than ten days after the notice is provided or at the next 44
available court date to determine whether the officer had 45
probable cause to seize the companion animal and, if applicable, 46
to determine the amount of a bond or cash deposit that is needed 47

to provide for the companion animal's care and keeping for not 48
less than thirty days beginning on the date on which the 49
companion animal was impounded. 50

(D) A companion animal that is seized under this section 51
may be humanely destroyed immediately or at any time during 52
impoundment if a licensed veterinarian determines it to be 53
necessary because the companion animal is suffering. 54

(E) (1) Not later than ten days after notice is provided or 55
at the next available court date, the court shall hold a hearing 56
to determine whether the officer impounding a companion animal 57
had probable cause to seize the companion animal. If the court 58
determines that probable cause exists, the court shall determine 59
the amount of a bond or cash deposit that is needed to provide 60
for the companion animal's care and keeping for not less than 61
thirty days beginning on the date on which the companion animal 62
was impounded. 63

(2) If the court determines that probable cause does not 64
exist, the court immediately shall order the impounding agency 65
to return the companion animal to its owner if possible. If the 66
companion animal cannot be returned because it has died as a 67
result of neglect or other misconduct by the impounding agency 68
or if the companion animal is injured as a result of neglect or 69
other misconduct by the impounding agency, the court shall order 70
the impounding agency to pay the owner an amount determined by 71
the court to be equal to the reasonable market value of the 72
companion animal at the time that it was impounded plus 73
statutory interest as defined in section 1343.03 of the Revised 74
Code from the date of the impoundment or an amount determined by 75
the court to be equal to the reasonable cost of treatment of the 76
injury to the companion animal, as applicable. The requirement 77

established in division (E) (2) of this section regarding the 78
payment of the reasonable market value of the companion animal 79
shall not apply in the case of a dog that, in violation of 80
section 955.01 of the Revised Code, was not registered at the 81
time it was seized and impounded. 82

(3) If the court determines that probable cause exists and 83
determines the amount of a bond or cash deposit, the case shall 84
continue and the owner shall post a bond or cash deposit to 85
provide for the companion animal's care and keeping for not less 86
than thirty days beginning on the date on which the companion 87
animal was impounded. The owner may renew a bond or cash deposit 88
by posting, not later than ten days following the expiration of 89
the period for which a previous bond or cash deposit was posted, 90
a new bond or cash deposit in an amount that the court, in 91
consultation with the impounding agency, determines is 92
sufficient to provide for the companion animal's care and 93
keeping for not less than thirty days beginning on the date on 94
which the previous period expired. If no bond or cash deposit is 95
posted or if a bond or cash deposit expires and is not renewed, 96
the impounding agency may determine the disposition of the 97
companion animal unless the court issues an order that specifies 98
otherwise. 99

(F) If a person is convicted of committing an offense, the 100
court may impose the following additional penalties against the 101
person: 102

(1) A requirement that the person pay for the costs 103
incurred by the impounding agency in caring for a companion 104
animal involved in the applicable offense, provided that the 105
costs were incurred during the companion animal's impoundment. A 106
bond or cash deposit posted under this section may be applied to 107

the costs. 108

(2) An order permanently terminating the person's right to 109
possession, title, custody, or care of the companion animal that 110
was involved in the offense. If the court issues such an order, 111
the court shall order the disposition of the companion animal. 112

(G) If a person is found not guilty of committing an 113
offense, the court immediately shall order the impounding agency 114
to return the companion animal to its owner if possible and to 115
return the entire amount of any bond or cash deposit posted 116
under division (E) of this section. If the companion animal 117
cannot be returned because it has died as a result of neglect or 118
other misconduct by the impounding agency or if the companion 119
animal is injured as a result of neglect or other misconduct by 120
the impounding agency, the court shall order the impounding 121
agency to pay the owner an amount determined by the court to be 122
equal to the reasonable market value of the companion animal at 123
the time that it was impounded plus statutory interest as 124
defined in section 1343.03 of the Revised Code from the date of 125
the impoundment or an amount determined by the court to be equal 126
to the reasonable cost of treatment of the injury to the 127
companion animal, as applicable. The requirements established in 128
this division regarding the return of a bond or cash deposit and 129
the payment of the reasonable market value of the companion 130
animal shall not apply in the case of a dog that, in violation 131
of section 955.01 of the Revised Code, was not registered at the 132
time it was seized and impounded. 133

(H) If charges are filed under section 959.131 of the 134
Revised Code against the custodian or caretaker of a companion 135
animal, but the companion animal that is the subject of the 136
charges is not impounded, the court in which the charges are 137

pending may order the owner or person having custody of the 138
companion animal to provide to the companion animal the 139
necessities described in division (D) (2), (D) (3), (E) (2), (E) 140
(3), (F) (2), or (F) (3) of section 959.131 of the Revised Code 141
until the final disposition of the charges. If the court issues 142
an order of that nature, the court also may authorize an officer 143
or another person to visit the place where the companion animal 144
is being kept, at the times and under the conditions that the 145
court may set, to determine whether the companion animal is 146
receiving those necessities and to remove and impound the 147
companion animal if the companion animal is not receiving those 148
necessities. 149

Sec. 959.30. (A) As used in this section: 150

"Companion animal" has the same meaning as in section 151
959.131 of the Revised Code. 152

"Felony animal abuse offense" means any felony violation 153
of Chapter 959. of the Revised Code. 154

"Misdemeanor animal abuse offense" means any misdemeanor 155
violation of Chapter 959. of the Revised Code. 156

"Release date" means either the date of release of a 157
person from any period of incarceration imposed for a 158
misdemeanor or felony animal abuse offense or, if the person is 159
not incarcerated for the offense, the date of the person's 160
sentencing for the offense. 161

(B) No person who is convicted of or pleads guilty to a 162
misdemeanor animal abuse offense committed on or after the 163
effective date of this section shall knowingly own, possess, 164
have custody of, or reside in a residence with any companion 165
animal for one of the following time periods commencing upon the 166

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| <u>release date:</u> | 167 |
| <u>(1) Five years;</u> | 168 |
| <u>(2) If the offender has previously been convicted of or</u> | 169 |
| <u>pleaded guilty to a misdemeanor or felony animal abuse offense,</u> | 170 |
| <u>fifteen years.</u> | 171 |
| <u>(C) No person who is convicted of or pleads guilty to a</u> | 172 |
| <u>felony animal abuse offense committed on or after the effective</u> | 173 |
| <u>date of this section shall knowingly own, possess, have custody</u> | 174 |
| <u>of, or reside in a residence with any companion animal for one</u> | 175 |
| <u>of the following time periods commencing upon the release date:</u> | 176 |
| <u>(1) Fifteen years;</u> | 177 |
| <u>(2) If the offender has previously been convicted of or</u> | 178 |
| <u>pleaded guilty to a misdemeanor or felony animal abuse offense,</u> | 179 |
| <u>the lifetime of the offender.</u> | 180 |
| Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 | 181 |
| of the Revised Code is guilty of a minor misdemeanor. | 182 |
| (B) Except as otherwise provided in this division, whoever | 183 |
| violates section 959.02 of the Revised Code is guilty of a | 184 |
| misdemeanor of the second degree. If the value of the animal | 185 |
| killed or the injury done amounts to three hundred dollars or | 186 |
| more, whoever violates section 959.02 of the Revised Code is | 187 |
| guilty of a misdemeanor of the first degree. | 188 |
| (C) Whoever violates section 959.03, 959.06, 959.12, or | 189 |
| 959.17 or division (A) of section 959.15 of the Revised Code is | 190 |
| guilty of a misdemeanor of the fourth degree. | 191 |
| (D) Whoever violates division (A) of section 959.13 or | 192 |
| section 959.21 of the Revised Code is guilty of a misdemeanor of | 193 |
| the second degree. In addition, the court may order the offender | 194 |

to forfeit the animal or livestock and may provide for its 195
disposition, including, but not limited to, the sale of the 196
animal or livestock. If an animal or livestock is forfeited and 197
sold pursuant to this division, the proceeds from the sale first 198
shall be applied to pay the expenses incurred with regard to the 199
care of the animal from the time it was taken from the custody 200
of the former owner. The balance of the proceeds from the sale, 201
if any, shall be paid to the former owner of the animal. 202

(E) (1) Whoever violates division (B) of section 959.131 of 203
the Revised Code is guilty of a misdemeanor of the first degree 204
on a first offense and a felony of the fifth degree on each 205
subsequent offense. 206

(2) Whoever violates division (C) of section 959.131 of 207
the Revised Code is guilty of a felony of the fifth degree. 208

(3) Whoever violates section 959.01 of the Revised Code or 209
division (D) of section 959.131 of the Revised Code is guilty of 210
a misdemeanor of the second degree on a first offense and a 211
misdemeanor of the first degree on each subsequent offense. 212

(4) Whoever violates division (E) of section 959.131 of 213
the Revised Code is guilty of a felony of the fifth degree. 214

(5) Whoever violates division (F) of section 959.131 of 215
the Revised Code is guilty of a misdemeanor of the first degree. 216

(6) (a) A court may order a person who is convicted of or 217
pleads guilty to a violation of section 959.131 of the Revised 218
Code to forfeit to an impounding agency, as defined in section 219
959.132 of the Revised Code, any or all of the companion animals 220
in that person's ownership or care. The court also may prohibit 221
or place limitations on the person's ability to own or care for 222
any companion animals for a specified or indefinite period of 223

time. 224

(b) A court may order a person who is convicted of or 225
pleads guilty to a violation of section 959.131 of the Revised 226
Code to reimburse an impounding agency for the reasonably 227
necessary costs incurred by the agency for the care of a 228
companion animal that the agency impounded as a result of the 229
investigation or prosecution of the violation, provided that the 230
costs were not otherwise paid under section 959.132 of the 231
Revised Code. 232

(7) If a court has reason to believe that a person who is 233
convicted of or pleads guilty to a violation of section 959.131 234
or 959.21 of the Revised Code suffers from a mental or emotional 235
disorder that contributed to the violation, the court may impose 236
as a community control sanction or as a condition of probation a 237
requirement that the offender undergo psychological evaluation 238
or counseling. The court shall order the offender to pay the 239
costs of the evaluation or counseling. 240

(F) Whoever violates section 959.14 of the Revised Code is 241
guilty of a misdemeanor of the second degree on a first offense 242
and a misdemeanor of the first degree on each subsequent 243
offense. 244

(G) Whoever violates section 959.05 ~~or~~, 959.20, or 959.30 245
of the Revised Code is guilty of a misdemeanor of the first 246
degree. A court shall order a person who is convicted of or 247
pleads guilty to a violation of section 959.30 of the Revised 248
Code to forfeit to an impounding agency, as defined in section 249
959.132 of the Revised Code, any or all of the companion animals 250
in that person's ownership or care. 251

(H) Whoever violates section 959.16 of the Revised Code is 252

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| guilty of a felony of the fourth degree for a first offense and | 253 |
| a felony of the third degree on each subsequent offense. | 254 |
| (I) Whoever violates division (B) or (C) of section 959.15 | 255 |
| of the Revised Code is guilty of a felony and shall be fined not | 256 |
| more than ten thousand dollars. | 257 |
| Section 2. That existing sections 959.132 and 959.99 of | 258 |
| the Revised Code are hereby repealed. | 259 |
| Section 3. Section 959.99 of the Revised Code is presented | 260 |
| in this act as a composite of the section as amended by both | 261 |
| Sub. H.B. 60 and Sub. S.B. 331 of the 131st General Assembly. | 262 |
| The General Assembly, applying the principle stated in division | 263 |
| (B) of section 1.52 of the Revised Code that amendments are to | 264 |
| be harmonized if reasonably capable of simultaneous operation, | 265 |
| finds that the composite is the resulting version of the section | 266 |
| in effect prior to the effective date of the section as | 267 |
| presented in this act. | 268 |