

**As Passed by the House**

**127th General Assembly  
Regular Session  
2007-2008**

**Am. H. B. No. 415**

**Representatives Blessing, Domenick**

**Cosponsors: Representatives Wagoner, Hughes, Barrett, Szollosi, Ujvagi,  
Dyer, Foley, Peterson, Lundy, Distel, Yuko, Webster, Bacon, Batchelder,  
Boyd, Brown, Budish, Celeste, Chandler, Collier, Combs, DeBose, Dolan,  
Evans, Fende, Flowers, Gardner, Garrison, Gerberry, Goyal, Hagan, J.,  
Harwood, Heard, Heydinger, Hottinger, Letson, Luckie, Mallory, Mandel,  
Mecklenborg, Newcomb, Oelslager, Patton, Schindel, Schneider, Setzer,  
Slesnick, Williams, S.**

—

**A B I L L**

To amend section 959.99 of the Revised Code to 1  
increase the penalty for animal fighting, 2  
including cockfighting. 3

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

**Section 1.** That section 959.99 of the Revised Code be amended 4  
to read as follows: 5

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 of 6  
the Revised Code is guilty of a minor misdemeanor. 7

(B) Except as otherwise provided in this division, whoever 8  
violates section 959.02 of the Revised Code is guilty of a 9  
misdemeanor of the second degree. If the value of the animal 10  
killed or the injury done amounts to three hundred dollars or 11  
more, whoever violates section 959.02 of the Revised Code is 12

guilty of a misdemeanor of the first degree. 13

(C) Whoever violates section 959.03, 959.06, 959.12, ~~959.15,~~ 14  
or 959.17 of the Revised Code is guilty of a misdemeanor of the 15  
fourth degree. 16

(D) Whoever violates division (A) of section 959.13 of the 17  
Revised Code is guilty of a misdemeanor of the second degree. In 18  
addition, the court may order the offender to forfeit the animal 19  
or livestock and may provide for its disposition, including, but 20  
not limited to, the sale of the animal or livestock. If an animal 21  
or livestock is forfeited and sold pursuant to this division, the 22  
proceeds from the sale first shall be applied to pay the expenses 23  
incurred with regard to the care of the animal from the time it 24  
was taken from the custody of the former owner. The balance of the 25  
proceeds from the sale, if any, shall be paid to the former owner 26  
of the animal. 27

(E)(1) Whoever violates division (B) of section 959.131 of 28  
the Revised Code is guilty of a misdemeanor of the first degree on 29  
a first offense and a felony of the fifth degree on each 30  
subsequent offense. 31

(2) Whoever violates section 959.01 of the Revised Code or 32  
division (C) of section 959.131 of the Revised Code is guilty of a 33  
misdemeanor of the second degree on a first offense and a 34  
misdemeanor of the first degree on each subsequent offense. 35

(3)(a) A court may order a person who is convicted of or 36  
pleads guilty to a violation of section 959.131 of the Revised 37  
Code to forfeit to an impounding agency, as defined in section 38  
959.132 of the Revised Code, any or all of the companion animals 39  
in that person's ownership or care. The court also may prohibit or 40  
place limitations on the person's ability to own or care for any 41  
companion animals for a specified or indefinite period of time. 42

(b) A court may order a person who is convicted of or pleads 43

guilty to a violation of section 959.131 of the Revised Code to 44  
reimburse an impounding agency for the reasonably necessary costs 45  
incurred by the agency for the care of a companion animal that the 46  
agency impounded as a result of the investigation or prosecution 47  
of the violation, provided that the costs were not otherwise paid 48  
under section 959.132 of the Revised Code. 49

(4) If a court has reason to believe that a person who is 50  
convicted of or pleads guilty to a violation of section 959.131 of 51  
the Revised Code suffers from a mental or emotional disorder that 52  
contributed to the violation, the court may impose as a community 53  
control sanction or as a condition of probation a requirement that 54  
the offender undergo psychological evaluation or counseling. The 55  
court shall order the offender to pay the costs of the evaluation 56  
or counseling. 57

(F) Whoever violates section 959.14 of the Revised Code is 58  
guilty of a misdemeanor of the second degree on a first offense 59  
and a misdemeanor of the first degree on each subsequent offense. 60

(G) Whoever violates section 959.05 or 959.20 of the Revised 61  
Code is guilty of a misdemeanor of the first degree. 62

(H) Whoever violates section 959.16 of the Revised Code is 63  
guilty of a felony of the fourth degree for a first offense and a 64  
felony of the third degree on each subsequent offense. 65

(I) Whoever violates section 959.15 of the Revised Code is 66  
guilty of a felony of the fourth degree for a first offense and a 67  
felony of the third degree on each subsequent offense. If any 68  
equipment, devices, or other items involved in such an offense are 69  
confiscated, forfeited, and sold or if any cash is confiscated and 70  
forfeited, the proceeds from the sale and the cash that is 71  
confiscated and forfeited, if any, shall be used to pay the costs 72  
incurred by the impounding animal shelter in caring for or 73  
 euthanizing a rooster involved in the offense. The court shall 74

order any proceeds and any cash that remain after those costs are 75  
paid to be used for educational purposes designed to eliminate 76  
cockfighting. 77

**Section 2.** That existing section 959.99 of the Revised Code 78  
is hereby repealed. 79