

As Reported by the House Criminal Justice Committee

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

—

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

(F) Whoever violates section 959.14 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.

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

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

(I) Whoever violates section 959.15 of the Revised Code is guilty of a felony of the fourth degree for a first offense and a felony of the third degree on each subsequent offense. If any equipment, devices, or other items involved in such an offense are confiscated, forfeited, and sold or if any cash is confiscated and forfeited, the proceeds from the sale and the cash that is confiscated and forfeited, if any, shall be used to pay the costs incurred by the impounding animal shelter in caring for or euthanizing a rooster involved in the offense. The court shall order any proceeds and any cash that remain after those costs are paid to be used for educational purposes designed to eliminate cockfighting.

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 That existing section 959.99 of the Revised Code is hereby repealed.