

As Reported by the House Agriculture and Natural Resources
Committee

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Sub. H. B. No. 108

Representatives Domenick, Blessing

Cosponsors: Representatives Harris, Newcomb, Luckie, Chandler, Yuko

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To amend sections 959.161 and 959.99 and to enact 1
section 959.151 of the Revised Code to revise the 2
law governing cockfighting. 3

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

Section 1. That sections 959.161 and 959.99 be amended and 4
section 959.151 of the Revised Code be enacted to read as follows: 5
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Sec. 959.151. A peace officer, as defined in section 959.161 7
of the Revised Code, shall confiscate any equipment or devices 8
used in training roosters for the purpose of cockfighting or as 9
part of cockfighting. 10

Sec. 959.161. (A) As used in this section: 11

(1) "Fighting ~~dog~~ animal" means ~~a~~ either of the following: 12

(a) A rooster that a peace officer has reasonable cause to 13
believe has been, is, or is intended to be used in cockfighting in 14
violation of section 959.15 of the Revised Code; 15

(b) A dog that a peace officer has probable cause to believe 16

has been, is, or is intended to be used in dogfighting in 17
violation of section 959.16 of the Revised Code. 18

(2) "Impounding entity" means the entity that has possession 19
of an impounded fighting ~~dog~~ animal during its impoundment. 20

(3) "Peace officer" has the same meaning as in section 21
2935.01 of the Revised Code. 22

(4) "Violation" means a violation of section 959.15 of the 23
Revised Code involving cockfighting, a violation of section 959.16 24
of the Revised Code, or an attempt, in violation of section 25
2923.02 of the Revised Code, to violate ~~section 959.16~~ either of 26
~~the Revised Code~~ those provisions. 27

(B) A peace officer may seize and cause to be impounded with 28
an impounding entity a fighting ~~dog~~ animal that the peace officer 29
has probable cause to believe is involved in a violation. 30

(C) A fighting ~~dog~~ animal that is seized under this section 31
may be humanely destroyed under either of the following 32
circumstances: 33

(1) During its seizure if it is necessary because the 34
fighting ~~dog~~ animal is suffering; 35

(2) At any time during its impoundment if a licensed 36
veterinarian determines it to be necessary because the fighting 37
~~dog~~ animal is suffering. 38

(D) Procedures, requirements, and other provisions that are 39
established in divisions (C), (E), (F), and (G) of section 959.132 40
of the Revised Code shall apply to the seizure, impoundment, and 41
disposition of a fighting ~~dog~~ animal. For purposes of that 42
application, references in those divisions of section 959.132 of 43
the Revised Code to "companion animal," "impounding agency," 44
"officer," and "offense" shall be deemed to be replaced, 45
respectively, with references to "fighting ~~dog~~ animal," 46

"impounding entity," "peace officer," and "violation" as defined 47
in this section. Likewise, references in those divisions of 48
section 959.132 of the Revised Code to "section 959.131 of the 49
Revised Code" shall be deemed to be replaced with references to 50
the cockfighting provisions of section 959.15 of the Revised Code 51
or to section 959.16 of the Revised Code, as applicable. 52

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of 53
the Revised Code is guilty of a minor misdemeanor. 54

(B) Except as otherwise provided in this division, whoever 55
violates section 959.02 of the Revised Code is guilty of a 56
misdemeanor of the second degree. If the value of the animal 57
killed or the injury done amounts to three hundred dollars or 58
more, whoever violates section 959.02 of the Revised Code is 59
guilty of a misdemeanor of the first degree. 60

(C) ~~Whoever~~ Except as provided in division (I) of this 61
section, whoever violates section 959.03, 959.06, 959.12, 959.15, 62
or 959.17 of the Revised Code is guilty of a misdemeanor of the 63
fourth degree. 64

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

(E)(1) Whoever violates division (B) of section 959.131 of 76
the Revised Code is guilty of a misdemeanor of the first degree on 77

a first offense and a felony of the fifth degree on each 78
subsequent offense. 79

(2) Whoever violates section 959.01 of the Revised Code or 80
division (C) of section 959.131 of the Revised Code is guilty of a 81
misdemeanor of the second degree on a first offense and a 82
misdemeanor of the first degree on each subsequent offense. 83

(3)(a) A court may order a person who is convicted of or 84
pleads guilty to a violation of section 959.131 of the Revised 85
Code to forfeit to an impounding agency, as defined in section 86
959.132 of the Revised Code, any or all of the companion animals 87
in that person's ownership or care. The court also may prohibit or 88
place limitations on the person's ability to own or care for any 89
companion animals for a specified or indefinite period of time. 90

(b) A court may order a person who is convicted of or pleads 91
guilty to a violation of section 959.131 of the Revised Code to 92
reimburse an impounding agency for the reasonably necessary costs 93
incurred by the agency for the care of a companion animal that the 94
agency impounded as a result of the investigation or prosecution 95
of the violation, provided that the costs were not otherwise paid 96
under section 959.132 of the Revised Code. 97

(4) If a court has reason to believe that a person who is 98
convicted of or pleads guilty to a violation of section 959.131 of 99
the Revised Code suffers from a mental or emotional disorder that 100
contributed to the violation, the court may impose as a community 101
control sanction or as a condition of probation a requirement that 102
the offender undergo psychological evaluation or counseling. The 103
court shall order the offender to pay the costs of the evaluation 104
or counseling. 105

(F) Whoever violates section 959.14 of the Revised Code is 106
guilty of a misdemeanor of the second degree on a first offense 107
and a misdemeanor of the first degree on each subsequent offense. 108

(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree. 109
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(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. 111
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(I) Whoever violates section 959.15 of the Revised Code as it relates to cockfighting is guilty of a felony of the fifth 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 transferred to a local 4-H youth development program to be used for educational purposes. 114
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Section 2. That existing sections 959.161 and 959.99 of the Revised Code are hereby repealed. 127
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