

**As Reported by the Senate Agriculture, Environment and Natural  
Resources Committee**

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**Sub. H. B. No. 108**

**Representatives Gerberry, Hagan, R.**

**Cosponsors: Representatives Weddington, Winburn, Garland, Antonio,  
Blessing, Carney, Celebrezze, Cera, Duffey, Fedor, Foley, Goyal, Hagan, C.,  
Henne, Letson, Luckie, Lundy, Mallory, Milkovich, Murray, O'Brien, Okey,  
Phillips, Ramos, Rose, Szollosi, Yuko**

**Senators Cafaro, Hite**

**—**

**A B I L L**

To amend sections 959.131, 959.132, 959.99, and 1  
1717.01 of the Revised Code to specifically 2  
prohibit an owner, manager, or employee of a 3  
kennel of dogs from committing cruel treatment of 4  
a companion animal, to give a prosecutor who 5  
prosecutes an owner, manager, or employee of a 6  
kennel of dogs who commits cruel treatment of a 7  
companion animal discretion in prosecuting the 8  
owner, manager, or employee for the offense, to 9  
remove certain language regarding the negligent 10  
treatment of companion animals, and to revise the 11  
definition of "cruelty," "torment," and "torture" 12  
in the Humane Societies Law. 13

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

**Section 1.** That sections 959.131, 959.132, 959.99, and 14  
1717.01 of the Revised Code be amended to read as follows: 15

Sec. 959.131. (A) As used in this section: 16

(1) "Companion animal" means any animal that is kept inside a 17  
residential dwelling and any dog or cat regardless of where it is 18  
kept. "Companion animal" does not include livestock or any wild 19  
animal. 20

(2) "Cruelty," "torment," and "torture" have the same 21  
meanings as in section 1717.01 of the Revised Code. 22

(3) "Residential dwelling" means a structure or shelter or 23  
the portion of a structure or shelter that is used by one or more 24  
humans for the purpose of a habitation. 25

(4) "Practice of veterinary medicine" has the same meaning as 26  
in section 4741.01 of the Revised Code. 27

(5) "Wild animal" has the same meaning as in section 1531.01 28  
of the Revised Code. 29

(6) "Federal animal welfare act" means the "Laboratory Animal 30  
Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 31  
2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. 32  
L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act 33  
Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and 34  
the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 35  
(1985), and as it may be subsequently amended. 36

(7) "Prosecutor" has the same meaning as in section 2935.01 37  
of the Revised Code. 38

(B) No person shall knowingly torture, torment, needlessly 39  
mutilate or maim, cruelly beat, poison, needlessly kill, or commit 40  
an act of cruelty against a companion animal. 41

(C) No person who confines or who is the custodian or 42  
caretaker of a companion animal shall negligently do any of the 43  
following: 44

(1) ~~Torture, torment, needlessly mutilate or maim, cruelly~~ 45  
~~beat, poison, needlessly kill, or commit an act of cruelty against~~ 46  
~~the companion animal;~~ Commit any act by which unnecessary or 47  
unjustifiable pain or suffering is caused, permitted, or allowed 48  
to continue against the companion animal; 49

(2) Omit any act of care by which unnecessary or 50  
unjustifiable pain or suffering is caused, permitted, or allowed 51  
to continue against the companion animal; 52

(3) Commit any act of neglect by which unnecessary or 53  
unjustifiable pain or suffering is caused, permitted, or allowed 54  
to continue against the companion animal; 55

(4) Kill the companion animal; 56

(5) Deprive the companion animal of necessary sustenance, 57  
confine the companion animal without supplying it during the 58  
confinement with sufficient quantities of good, wholesome food and 59  
water, or impound or confine the companion animal without 60  
affording it, during the impoundment or confinement, with access 61  
to shelter from heat, cold, wind, rain, snow, or excessive direct 62  
sunlight, if it can reasonably be expected that the companion 63  
animal would become sick or suffer in any other way as a result of 64  
or due to the deprivation, confinement, or impoundment or 65  
confinement in any of those specified manners. 66

(D) No owner, manager, or employee of a kennel of dogs that 67  
is registered under section 955.04 of the Revised Code who 68  
confines or is the custodian or caretaker of a companion animal 69  
shall knowingly do any of the following: 70

(1) Torture, torment, needlessly mutilate or maim, cruelly 71  
beat, poison, needlessly kill, or commit an act of cruelty against 72  
the companion animal; 73

(2) Deprive the companion animal of necessary sustenance, 74  
confine the companion animal without supplying it during the 75

confinement with sufficient quantities of good, wholesome food and 76  
water, or impound or confine the companion animal without 77  
affording it, during the impoundment or confinement, with access 78  
to shelter from heat, cold, wind, rain, snow, or excessive direct 79  
sunlight, if it can reasonably be expected that the companion 80  
animal would become sick or suffer in any other way as a result of 81  
or due to the deprivation, confinement, or impoundment or 82  
confinement in any of those specified manners. 83

(E) No owner, manager, or employee of a kennel of dogs that 84  
is registered under section 955.04 of the Revised Code who 85  
confines or is the custodian or caretaker of a companion animal 86  
shall negligently do any of the following: 87

(1) Harm, injure, harass, or cause the death of the companion 88  
animal; 89

(2) Deprive the companion animal of necessary sustenance, 90  
confine the companion animal without supplying it during the 91  
confinement with sufficient quantities of good, wholesome food and 92  
water, or impound or confine the companion animal without 93  
affording it, during the impoundment or confinement, with access 94  
to shelter from heat, cold, wind, rain, snow, or excessive direct 95  
sunlight, if it can reasonably be expected that the companion 96  
animal would become sick or suffer in any other way as a result of 97  
or due to the deprivation, confinement, or impoundment or 98  
confinement in any of those specified manners. 99

(F) If the owner, manager, or employee of a kennel of dogs 100  
that is registered under section 955.04 of the Revised Code 101  
violates divisions (B) and (D)(1) of this section, the prosecutor 102  
in the case, in the prosecutor's discretion, may prosecute the 103  
owner, manager, or employee of the kennel of dogs for a violation 104  
of either division (B) or (D)(1) of this section. 105

(G) If the owner, manager, or employee of a kennel of dogs 106

that is registered under section 955.04 of the Revised Code 107  
violates divisions (C) and (E) of this section, the prosecutor in 108  
the case, in the prosecutor's discretion, may prosecute the owner, 109  
manager, or employee of the kennel of dogs for a violation of 110  
either division (C) or (E) of this section. 111

(H) Divisions (B) and, (C), (D), and (E) of this section do 112  
not apply to any of the following: 113

(1) A companion animal used in scientific research conducted 114  
by an institution in accordance with the federal animal welfare 115  
act and related regulations; 116

(2) The lawful practice of veterinary medicine by a person 117  
who has been issued a license, temporary permit, or registration 118  
certificate to do so under Chapter 4741. of the Revised Code; 119

(3) Dogs being used or intended for use for hunting or field 120  
trial purposes, provided that the dogs are being treated in 121  
accordance with usual and commonly accepted practices for the care 122  
of hunting dogs; 123

(4) The use of common training devices, if the companion 124  
animal is being treated in accordance with usual and commonly 125  
accepted practices for the training of animals; 126

(5) The administering of medicine to a companion animal that 127  
was properly prescribed by a person who has been issued a license, 128  
temporary permit, or registration certificate under Chapter 4741. 129  
of the Revised Code. 130

~~(E)~~(I) Notwithstanding any section of the Revised Code that 131  
otherwise provides for the distribution of fine moneys, the clerk 132  
of court shall forward all fines the clerk collects that are so 133  
imposed for any violation of this section to the treasurer of the 134  
political subdivision or the state, whose county humane society or 135  
law enforcement agency is to be paid the fine money as determined 136  
under this division. The treasurer to whom the fines are forwarded 137

shall pay the fine moneys to the county humane society or the 138  
county, township, municipal corporation, or state law enforcement 139  
agency in this state that primarily was responsible for or 140  
involved in the investigation and prosecution of the violation. If 141  
a county humane society receives any fine moneys under this 142  
division, the county humane society shall use the fine moneys to 143  
provide the training that is required for humane agents under 144  
section 1717.06 of the Revised Code. 145

**Sec. 959.132.** (A) As used in this section: 146

(1) "Companion animal" has the same meaning as in section 147  
959.131 of the Revised Code. 148

(2) "Impounding agency" means a county humane society 149  
organized under section 1717.05 of the Revised Code, an animal 150  
shelter, or a law enforcement agency that has impounded a 151  
companion animal in accordance with this section. 152

(3) "Offense" means a violation of section 959.131 of the 153  
Revised Code or an attempt, in violation of section 2923.02 of the 154  
Revised Code, to violate section 959.131 of the Revised Code. 155

(4) "Officer" means any law enforcement officer, agent of a 156  
county humane society, or other person appointed to act as an 157  
animal control officer for a municipal corporation or township in 158  
accordance with state law, an ordinance, or a resolution. 159

(B) An officer may seize and cause to be impounded at an 160  
impounding agency a companion animal that the officer has probable 161  
cause to believe is the subject of an offense. No officer or 162  
impounding agency shall impound a companion animal that is the 163  
subject of an offense in a shelter owned, operated, or controlled 164  
by a board of county commissioners pursuant to Chapter 955. of the 165  
Revised Code unless the board, by resolution, authorizes the 166  
impoundment of such a companion animal in a shelter owned, 167

operated, or controlled by that board and has executed, in the 168  
case when the officer is other than a dog warden or assistant dog 169  
warden, a contract specifying the terms and conditions of the 170  
impoundment. 171

(C) The officer shall give written notice of the seizure and 172  
impoundment to the owner, keeper, or harbinger of the companion 173  
animal that was seized and impounded. If the officer is unable to 174  
give the notice to the owner, keeper, or harbinger of the companion 175  
animal, the officer shall post the notice on the door of the 176  
residence or in another conspicuous place on the premises at which 177  
the companion animal was seized. The notice shall include a 178  
statement that a hearing will be held not later than ten days 179  
after the notice is provided or at the next available court date 180  
to determine whether the officer had probable cause to seize the 181  
companion animal and, if applicable, to determine the amount of a 182  
bond or cash deposit that is needed to provide for the companion 183  
animal's care and keeping for not less than thirty days beginning 184  
on the date on which the companion animal was impounded. 185

(D) A companion animal that is seized under this section may 186  
be humanely destroyed immediately or at any time during 187  
impoundment if a licensed veterinarian determines it to be 188  
necessary because the companion animal is suffering. 189

(E)(1) Not later than ten days after notice is provided or at 190  
the next available court date, the court shall hold a hearing to 191  
determine whether the officer impounding a companion animal had 192  
probable cause to seize the companion animal. If the court 193  
determines that probable cause exists, the court shall determine 194  
the amount of a bond or cash deposit that is needed to provide for 195  
the companion animal's care and keeping for not less than thirty 196  
days beginning on the date on which the companion animal was 197  
impounded. 198

(2) If the court determines that probable cause does not 199

exist, the court immediately shall order the impounding agency to 200  
return the companion animal to its owner if possible. If the 201  
companion animal cannot be returned because it has died as a 202  
result of neglect or other misconduct by the impounding agency or 203  
if the companion animal is injured as a result of neglect or other 204  
misconduct by the impounding agency, the court shall order the 205  
impounding agency to pay the owner an amount determined by the 206  
court to be equal to the reasonable market value of the companion 207  
animal at the time that it was impounded plus statutory interest 208  
as defined in section 1343.03 of the Revised Code from the date of 209  
the impoundment or an amount determined by the court to be equal 210  
to the reasonable cost of treatment of the injury to the companion 211  
animal, as applicable. The requirement established in division 212  
(E)(2) of this section regarding the payment of the reasonable 213  
market value of the companion animal shall not apply in the case 214  
of a dog that, in violation of section 955.01 of the Revised Code, 215  
was not registered at the time it was seized and impounded. 216

(3) If the court determines that probable cause exists and 217  
determines the amount of a bond or cash deposit, the case shall 218  
continue and the owner shall post a bond or cash deposit to 219  
provide for the companion animal's care and keeping for not less 220  
than thirty days beginning on the date on which the companion 221  
animal was impounded. The owner may renew a bond or cash deposit 222  
by posting, not later than ten days following the expiration of 223  
the period for which a previous bond or cash deposit was posted, a 224  
new bond or cash deposit in an amount that the court, in 225  
consultation with the impounding agency, determines is sufficient 226  
to provide for the companion animal's care and keeping for not 227  
less than thirty days beginning on the date on which the previous 228  
period expired. If no bond or cash deposit is posted or if a bond 229  
or cash deposit expires and is not renewed, the impounding agency 230  
may determine the disposition of the companion animal unless the 231  
court issues an order that specifies otherwise. 232



(F) If a person is convicted of committing an offense, the 233  
court may impose the following additional penalties against the 234  
person: 235

(1) A requirement that the person pay for the costs incurred 236  
by the impounding agency in caring for a companion animal involved 237  
in the applicable offense, provided that the costs were incurred 238  
during the companion animal's impoundment. A bond or cash deposit 239  
posted under this section may be applied to the costs. 240

(2) An order permanently terminating the person's right to 241  
possession, title, custody, or care of the companion animal that 242  
was involved in the offense. If the court issues such an order, 243  
the court shall order the disposition of the companion animal. 244

(G) If a person is found not guilty of committing an offense, 245  
the court immediately shall order the impounding agency to return 246  
the companion animal to its owner if possible and to return the 247  
entire amount of any bond or cash deposit posted under division 248  
(E) of this section. If the companion animal cannot be returned 249  
because it has died as a result of neglect or other misconduct by 250  
the impounding agency or if the companion animal is injured as a 251  
result of neglect or other misconduct by the impounding agency, 252  
the court shall order the impounding agency to pay the owner an 253  
amount determined by the court to be equal to the reasonable 254  
market value of the companion animal at the time that it was 255  
impounded plus statutory interest as defined in section 1343.03 of 256  
the Revised Code from the date of the impoundment or an amount 257  
determined by the court to be equal to the reasonable cost of 258  
treatment of the injury to the companion animal, as applicable. 259  
The requirements established in this division regarding the return 260  
of a bond or cash deposit and the payment of the reasonable market 261  
value of the companion animal shall not apply in the case of a dog 262  
that, in violation of section 955.01 of the Revised Code, was not 263  
registered at the time it was seized and impounded. 264

(H) If charges are filed under section 959.131 of the Revised Code against the custodian or caretaker of a companion animal, but the companion animal that is the subject of the charges is not impounded, the court in which the charges are pending may order the owner or person having custody of the companion animal to provide to the companion animal the necessities described in division (C)~~(2)~~ of section 959.131 of the Revised Code until the final disposition of the charges. If the court issues an order of that nature, the court also may authorize an officer or another person to visit the place where the companion animal is being kept, at the times and under the conditions that the court may set, to determine whether the companion animal is receiving those necessities and to remove and impound the companion animal if the companion animal is not receiving those necessities.

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

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

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

(D) Whoever violates division (A) of section 959.13 of the Revised Code is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the

proceeds from the sale first shall be applied to pay the expenses 296  
incurred with regard to the care of the animal from the time it 297  
was taken from the custody of the former owner. The balance of the 298  
proceeds from the sale, if any, shall be paid to the former owner 299  
of the animal. 300

(E)(1) Whoever violates division (B) of section 959.131 of 301  
the Revised Code is guilty of a misdemeanor of the first degree on 302  
a first offense and a felony of the fifth degree on each 303  
subsequent offense. 304

(2) Whoever violates section 959.01 of the Revised Code or 305  
division (C) of section 959.131 of the Revised Code is guilty of a 306  
misdemeanor of the second degree on a first offense and a 307  
misdemeanor of the first degree on each subsequent offense. 308

(3) Whoever violates division (D) of section 959.131 of the 309  
Revised Code is guilty of a felony of the fifth degree. 310

(4) Whoever violates division (E) of section 959.131 of the 311  
Revised Code is guilty of a misdemeanor of the first degree. 312

(5)(a) A court may order a person who is convicted of or 313  
pleads guilty to a violation of section 959.131 of the Revised 314  
Code to forfeit to an impounding agency, as defined in section 315  
959.132 of the Revised Code, any or all of the companion animals 316  
in that person's ownership or care. The court also may prohibit or 317  
place limitations on the person's ability to own or care for any 318  
companion animals for a specified or indefinite period of time. 319

(b) A court may order a person who is convicted of or pleads 320  
guilty to a violation of section 959.131 of the Revised Code to 321  
reimburse an impounding agency for the reasonably necessary costs 322  
incurred by the agency for the care of a companion animal that the 323  
agency impounded as a result of the investigation or prosecution 324  
of the violation, provided that the costs were not otherwise paid 325  
under section 959.132 of the Revised Code. 326

~~(4)~~(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 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.

**Sec. 1717.01.** As used in sections 1717.01 to 1717.14, inclusive, of the Revised Code, and in every law relating to animals:

(A) "Animal" includes every living dumb creature;

(B) "Cruelty," "torment," and "torture" include every act, omission, or neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, ~~when there is a reasonable remedy or relief~~ against an animal;

(C) "Owner" and "person" include corporations. For the purpose of this section the knowledge and acts of the agents and employees of a corporation, in regard to animals transported, owned, or employed by, or in the custody of, such agents and employees, are the knowledge and acts of the corporation.

**Section 2.** That existing sections 959.131, 959.132, 959.99,

and 1717.01 of the Revised Code are hereby repealed.

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