

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 260**

**Representative Derickson**

**Cosponsors: Representatives Murray, Blessing, Grossman, Phillips, Combs,  
Maag, Blair, Garland, Conditt, Letson, Yuko, Brenner**

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**A B I L L**

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

Sec. 959.151. A peace officer, as defined in section 959.161 6  
of the Revised Code, shall confiscate any equipment or devices 7  
used in training roosters for the purpose of cockfighting or as 8  
part of cockfighting. 9

**Sec. 959.161.** (A) As used in this section: 10

(1) "Fighting ~~dog~~ animal" means a either of the following: 11

(a) A rooster that a peace officer has probable cause to 12  
believe has been, is, or is intended to be used in cockfighting in 13  
violation of section 959.15 of the Revised Code; 14

(b) A dog that a peace officer has probable cause to believe 15  
has been, is, or is intended to be used in dogfighting in 16

violation of section 959.16 of the Revised Code. 17

(2) "Impounding entity" means the entity that has possession 18  
of an impounded fighting ~~dog~~ animal during its impoundment. 19

(3) "Peace officer" has the same meaning as in section 20  
2935.01 of the Revised Code. 21

(4) "Violation" means a violation of section 959.15 of the 22  
Revised Code involving cockfighting, a violation of section 959.16 23  
of the Revised Code, or an attempt, in violation of section 24  
2923.02 of the Revised Code, to violate ~~section 959.16~~ either of 25  
~~the Revised Code~~ those provisions. 26

(B) A peace officer may seize and cause to be impounded with 27  
an impounding entity a fighting ~~dog~~ animal that the peace officer 28  
has probable cause to believe is involved in a violation. 29

(C) A fighting ~~dog~~ animal that is seized under this section 30  
may be humanely destroyed under either of the following 31  
circumstances: 32

(1) During its seizure if it is necessary because the 33  
fighting ~~dog~~ animal is suffering; 34

(2) At any time during its impoundment if a licensed 35  
veterinarian determines it to be necessary because the fighting 36  
~~dog~~ animal is suffering. 37

(D) Procedures, requirements, and other provisions that are 38  
established in divisions (C), (E), (F), and (G) of section 959.132 39  
of the Revised Code shall apply to the seizure, impoundment, and 40  
disposition of a fighting ~~dog~~ animal. For purposes of that 41  
application, references in those divisions of section 959.132 of 42  
the Revised Code to "companion animal," "impounding agency," 43  
"officer," and "offense" shall be deemed to be replaced, 44  
respectively, with references to "fighting ~~dog~~ animal," 45  
"impounding entity," "peace officer," and "violation" as defined 46

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

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 of 52  
the Revised Code is guilty of a minor misdemeanor. 53

(B) Except as otherwise provided in this division, whoever 54  
violates section 959.02 of the Revised Code is guilty of a 55  
misdemeanor of the second degree. If the value of the animal 56  
killed or the injury done amounts to three hundred dollars or 57  
more, whoever violates section 959.02 of the Revised Code is 58  
guilty of a misdemeanor of the first degree. 59

(C) ~~Whoever~~ Except as provided in division (I) of this 60  
section, whoever violates section 959.03, 959.06, 959.12, 959.15, 61  
or 959.17 of the Revised Code is guilty of a misdemeanor of the 62  
fourth degree. 63

(D) Whoever violates division (A) of section 959.13 of the 64  
Revised Code is guilty of a misdemeanor of the second degree. In 65  
addition, the court may order the offender to forfeit the animal 66  
or livestock and may provide for its disposition, including, but 67  
not limited to, the sale of the animal or livestock. If an animal 68  
or livestock is forfeited and sold pursuant to this division, the 69  
proceeds from the sale first shall be applied to pay the expenses 70  
incurred with regard to the care of the animal from the time it 71  
was taken from the custody of the former owner. The balance of the 72  
proceeds from the sale, if any, shall be paid to the former owner 73  
of the animal. 74

(E)(1) Whoever violates division (B) of section 959.131 of 75  
the Revised Code is guilty of a misdemeanor of the first degree on 76  
a first offense and a felony of the fifth degree on each 77

subsequent offense. 78

(2) Whoever violates section 959.01 of the Revised Code or 79  
division (C) of section 959.131 of the Revised Code is guilty of a 80  
misdemeanor of the second degree on a first offense and a 81  
misdemeanor of the first degree on each subsequent offense. 82

(3)(a) A court may order a person who is convicted of or 83  
pleads guilty to a violation of section 959.131 of the Revised 84  
Code to forfeit to an impounding agency, as defined in section 85  
959.132 of the Revised Code, any or all of the companion animals 86  
in that person's ownership or care. The court also may prohibit or 87  
place limitations on the person's ability to own or care for any 88  
companion animals for a specified or indefinite period of time. 89

(b) A court may order a person who is convicted of or pleads 90  
guilty to a violation of section 959.131 of the Revised Code to 91  
reimburse an impounding agency for the reasonably necessary costs 92  
incurred by the agency for the care of a companion animal that the 93  
agency impounded as a result of the investigation or prosecution 94  
of the violation, provided that the costs were not otherwise paid 95  
under section 959.132 of the Revised Code. 96

(4) If a court has reason to believe that a person who is 97  
convicted of or pleads guilty to a violation of section 959.131 of 98  
the Revised Code suffers from a mental or emotional disorder that 99  
contributed to the violation, the court may impose as a community 100  
control sanction or as a condition of probation a requirement that 101  
the offender undergo psychological evaluation or counseling. The 102  
court shall order the offender to pay the costs of the evaluation 103  
or counseling. 104

(F) Whoever violates section 959.14 of the Revised Code is 105  
guilty of a misdemeanor of the second degree on a first offense 106  
and a misdemeanor of the first degree on each subsequent offense. 107

(G) Whoever violates section 959.05 or 959.20 of the Revised 108

Code is guilty of a misdemeanor of the first degree. 109

(H) Whoever violates section 959.16 of the Revised Code is 110  
guilty of a felony of the fourth degree for a first offense and a 111  
felony of the third degree on each subsequent offense. 112

(I) Whoever violates section 959.15 of the Revised Code as it 113  
relates to cockfighting is guilty of a felony of the fifth degree 114  
for a first offense and a felony of the third degree on each 115  
subsequent offense. If any equipment, devices, or other items 116  
involved in such an offense are confiscated, forfeited, and sold 117  
or if any cash is confiscated and forfeited, the proceeds from the 118  
sale and the cash that is confiscated and forfeited, if any, shall 119  
be used to pay the costs incurred by the impounding animal shelter 120  
in caring for or euthanizing a rooster involved in the offense. 121  
The court shall order any proceeds and any cash that remain after 122  
those costs are paid to be transferred to a local 4-H youth 123  
development program to be used for educational purposes. 124

**Section 2.** That existing sections 959.161 and 959.99 of the 125  
Revised Code are hereby repealed. 126