

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 274**

**Representatives Patmon, Sears**

**Cosponsors: Representatives Barnes, Cera, Lundy**

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**A B I L L**

To amend sections 959.131, 959.132, and 959.99 of the 1  
Revised Code to revise provisions and penalties 2  
regarding treatment of companion animals and to 3  
revise the definition of "companion animal" in the 4  
Offenses Relating to Domestic Animals Law. 5

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

**Section 1.** That sections 959.131, 959.132, and 959.99 of the 6  
Revised Code be amended to read as follows: 7

**Sec. 959.131.** (A) As used in this section: 8

(1) "Companion animal" means any animal that is kept inside a 9  
residential dwelling and any dog or cat regardless of where it is 10  
kept, including a pet store as defined in section 956.01 of the 11  
Revised Code. "Companion animal" does not include livestock or any 12  
wild animal. 13

(2) "Cruelty," "torment," and "torture" have the same 14  
meanings as in section 1717.01 of the Revised Code. 15

(3) "Residential dwelling" means a structure or shelter or 16  
the portion of a structure or shelter that is used by one or more 17  
humans for the purpose of a habitation. 18

(4) "Practice of veterinary medicine" has the same meaning as 19  
in section 4741.01 of the Revised Code. 20

(5) "Wild animal" has the same meaning as in section 1531.01 21  
of the Revised Code. 22

(6) "Federal animal welfare act" means the "Laboratory Animal 23  
Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 24  
2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. 25  
L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act 26  
Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and 27  
the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 28  
(1985), and as it may be subsequently amended. 29

(7) "Dog kennel" means an animal rescue for dogs that is 30  
registered under section 956.06 of the Revised Code, a boarding 31  
kennel, or a training kennel. 32

(8) "Boarding kennel" has the same meaning as in section 33  
956.01 of the Revised Code. 34

(9) "Training kennel" means an establishment operating for 35  
profit that keeps, houses, and maintains dogs for the purpose of 36  
training the dogs in return for a fee or other consideration. 37

(10) "Livestock" means horses, mules, and other equidae; 38  
cattle, sheep, goats, and other bovidae; swine and other suidae; 39  
poultry; alpacas; llamas; captive white-tailed deer; and any other 40  
animal that is raised or maintained domestically for food or 41  
fiber. 42

(11) "Captive white-tailed deer" has the same meaning as in 43  
section 1531.01 of the Revised Code. 44

(12) "Serious physical harm" means any of the following: 45

(a) Physical harm that carries a substantial risk of death; 46

(b) Physical harm that involves either partial or total 47  
permanent incapacity; 48

(c) Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain. 49  
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(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal. 52  
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(C) No person shall knowingly cause serious physical harm to a companion animal. 55  
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(D) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following: 57  
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~~(1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~ 60  
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~~(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~ 64  
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~~(3) Commit any act of 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 the companion animal~~ 68  
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Torture, torment, or commit an act of cruelty against the companion animal; 72

~~(4) Needlessly kill the companion animal;~~ 73

~~(5)~~(2) Deprive the companion animal of necessary sustenance, 74  
or 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  
sunlight, if it can reasonably be expected that the companion  
animal would become sick or suffer in any other way as a result of  
or due to the deprivation, or confinement, ~~or impoundment or  
confinement in any of those specified manners;~~~~

(3) Confine the companion animal without affording it, during  
the impoundment or confinement, with access to shelter from heat,  
cold, wind, rain, snow, or excessive direct sunlight if it can  
reasonably be expected that the companion animal would become sick  
or suffer in any other way as a result of or due to the lack of  
adequate shelter.

~~(D)~~(E) No owner, manager, or employee of a dog kennel who  
confines or is the custodian or caretaker of a companion animal  
shall knowingly do any of the following:

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

(2) Deprive the companion animal of necessary sustenance, or  
confine the companion animal without supplying it during the  
confinement with sufficient quantities of good, wholesome food and  
water, ~~or impound or confine the companion animal without  
affording it, during the impoundment or confinement, with access  
to shelter if it is substantially certain that the companion  
animal would die or experience unnecessary or unjustifiable pain  
or suffering due to the deprivation, confinement, or impoundment  
or confinement in any of those specified manners can reasonably be  
expected that the companion animal would become sick or suffer in  
any other way as a result of the deprivation or confinement;~~

(3) Confine the companion animal without affording it, during  
the impoundment or confinement, with access to shelter from heat,  
cold, wind, rain, snow, or excessive direct sunlight if it can

reasonably be expected that the companion animal would become sick 110  
or suffer in any other way as a result of or due to the lack of 111  
adequate shelter. 112

~~(E)(F)~~ No owner, manager, or employee of a dog kennel who 113  
confines or is the custodian or caretaker of a companion animal 114  
shall negligently do any of the following: 115

~~(1) Commit any act by which unnecessary or unjustifiable pain~~ 116  
~~or suffering is caused, permitted, or allowed to continue, when~~ 117  
~~there is a reasonable remedy or relief, against the companion~~ 118  
~~animal;~~ 119

~~(2) Omit any act of care by which unnecessary or~~ 120  
~~unjustifiable pain or suffering is caused, permitted, or allowed~~ 121  
~~to continue, when there is a reasonable remedy or relief, against~~ 122  
~~the companion animal;~~ 123

~~(3) Commit any act of neglect by which unnecessary or~~ 124  
~~unjustifiable pain or suffering is caused, permitted, or allowed~~ 125  
~~to continue, when there is a reasonable remedy or relief, against~~ 126  
~~the companion animal~~ Torture, torment, or commit an act of cruelty 127  
against the companion animal; 128

~~(4) Needlessly kill the companion animal;~~ 129

~~(5)(2)~~ Deprive the companion animal of necessary sustenance, 130  
or confine the companion animal without supplying it during the 131  
confinement with sufficient quantities of good, wholesome food and 132  
water, ~~or impound or confine the companion animal without~~ 133  
~~affording it, during the impoundment or confinement, with access~~ 134  
~~to shelter from heat, cold, wind, rain, snow, or excessive direct~~ 135  
~~sunlight~~ if it can reasonably be expected that the companion 136  
animal would become sick or suffer in any other way as a result of 137  
or due to the deprivation, or confinement, ~~or impoundment or~~ 138  
~~confinement in any of those specified manners;~~ 139

(3) Confine the companion animal without affording it, during 140

the impoundment or confinement, with access to shelter from heat, 141  
cold, wind, rain, snow, or excessive direct sunlight if it can 142  
reasonably be expected that the companion animal would become sick 143  
or suffer in any other way as a result of or due to the lack of 144  
adequate shelter. 145

~~(F)~~(G) Divisions (B), (C), (D), ~~and (E)~~, and (F) of this 146  
section do not apply to any of the following: 147

(1) A companion animal used in scientific research conducted 148  
by an institution in accordance with the federal animal welfare 149  
act and related regulations; 150

(2) The lawful practice of veterinary medicine by a person 151  
who has been issued a license, temporary permit, or registration 152  
certificate to do so under Chapter 4741. of the Revised Code; 153

(3) Dogs being used or intended for use for hunting or field 154  
trial purposes, provided that the dogs are being treated in 155  
accordance with usual and commonly accepted practices for the care 156  
of hunting dogs; 157

(4) The use of common training devices, if the companion 158  
animal is being treated in accordance with usual and commonly 159  
accepted practices for the training of animals; 160

(5) The administering of medicine to a companion animal that 161  
was properly prescribed by a person who has been issued a license, 162  
temporary permit, or registration certificate under Chapter 4741. 163  
of the Revised Code. 164

~~(G)~~(H) Notwithstanding any section of the Revised Code that 165  
otherwise provides for the distribution of fine moneys, the clerk 166  
of court shall forward all fines the clerk collects that are so 167  
imposed for any violation of this section to the treasurer of the 168  
political subdivision or the state, whose county humane society or 169  
law enforcement agency is to be paid the fine money as determined 170  
under this division. The treasurer to whom the fines are forwarded 171

shall pay the fine moneys to the county humane society or the 172  
county, township, municipal corporation, or state law enforcement 173  
agency in this state that primarily was responsible for or 174  
involved in the investigation and prosecution of the violation. If 175  
a county humane society receives any fine moneys under this 176  
division, the county humane society shall use the fine moneys 177  
either to provide the training that is required for humane agents 178  
under section 1717.06 of the Revised Code or to provide additional 179  
training for humane agents. 180

**Sec. 959.132.** (A) As used in this section: 181

(1) "Companion animal" has the same meaning as in section 182  
959.131 of the Revised Code. 183

(2) "Impounding agency" means a county humane society 184  
organized under section 1717.05 of the Revised Code, an animal 185  
shelter, or a law enforcement agency that has impounded a 186  
companion animal in accordance with this section. 187

(3) "Offense" means a violation of section 959.131 of the 188  
Revised Code or an attempt, in violation of section 2923.02 of the 189  
Revised Code, to violate section 959.131 of the Revised Code. 190

(4) "Officer" means any law enforcement officer, agent of a 191  
county humane society, or other person appointed to act as an 192  
animal control officer for a municipal corporation or township in 193  
accordance with state law, an ordinance, or a resolution. 194

(B) An officer may seize and cause to be impounded at an 195  
impounding agency a companion animal that the officer has probable 196  
cause to believe is the subject of an offense. No officer or 197  
impounding agency shall impound a companion animal that is the 198  
subject of an offense in a shelter owned, operated, or controlled 199  
by a board of county commissioners pursuant to Chapter 955. of the 200  
Revised Code unless the board, by resolution, authorizes the 201

impoundment of such a companion animal in a shelter owned, 202  
operated, or controlled by that board and has executed, in the 203  
case when the officer is other than a dog warden or assistant dog 204  
warden, a contract specifying the terms and conditions of the 205  
impoundment. 206

(C) The officer shall give written notice of the seizure and 207  
impoundment to the owner, keeper, or harbinger of the companion 208  
animal that was seized and impounded. If the officer is unable to 209  
give the notice to the owner, keeper, or harbinger of the companion 210  
animal, the officer shall post the notice on the door of the 211  
residence or in another conspicuous place on the premises at which 212  
the companion animal was seized. The notice shall include a 213  
statement that a hearing will be held not later than ten days 214  
after the notice is provided or at the next available court date 215  
to determine whether the officer had probable cause to seize the 216  
companion animal and, if applicable, to determine the amount of a 217  
bond or cash deposit that is needed to provide for the companion 218  
animal's care and keeping for not less than thirty days beginning 219  
on the date on which the companion animal was impounded. 220

(D) A companion animal that is seized under this section may 221  
be humanely destroyed immediately or at any time during 222  
impoundment if a licensed veterinarian determines it to be 223  
necessary because the companion animal is suffering. 224

(E)(1) Not later than ten days after notice is provided or at 225  
the next available court date, the court shall hold a hearing to 226  
determine whether the officer impounding a companion animal had 227  
probable cause to seize the companion animal. If the court 228  
determines that probable cause exists, the court shall determine 229  
the amount of a bond or cash deposit that is needed to provide for 230  
the companion animal's care and keeping for not less than thirty 231  
days beginning on the date on which the companion animal was 232  
impounded. 233



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

(3) If the court determines that probable cause exists and determines the amount of a bond or cash deposit, the case shall continue and the owner shall post a bond or cash deposit to provide for the companion animal's care and keeping for not less than thirty days beginning on the date on which the companion animal was impounded. The owner may renew a bond or cash deposit by posting, not later than ten days following the expiration of the period for which a previous bond or cash deposit was posted, a new bond or cash deposit in an amount that the court, in consultation with the impounding agency, determines is sufficient to provide for the companion animal's care and keeping for not less than thirty days beginning on the date on which the previous period expired. If no bond or cash deposit is posted or if a bond or cash deposit expires and is not renewed, the impounding agency may determine the disposition of the companion animal unless the

court issues an order that specifies otherwise. 267

(F) If a person is convicted of committing an offense, the 268  
court may impose the following additional penalties against the 269  
person: 270

(1) A requirement that the person pay for the costs incurred 271  
by the impounding agency in caring for a companion animal involved 272  
in the applicable offense, provided that the costs were incurred 273  
during the companion animal's impoundment. A bond or cash deposit 274  
posted under this section may be applied to the costs. 275

(2) An order permanently terminating the person's right to 276  
possession, title, custody, or care of the companion animal that 277  
was involved in the offense. If the court issues such an order, 278  
the court shall order the disposition of the companion animal. 279

(G) If a person is found not guilty of committing an offense, 280  
the court immediately shall order the impounding agency to return 281  
the companion animal to its owner if possible and to return the 282  
entire amount of any bond or cash deposit posted under division 283  
(E) of this section. If the companion animal cannot be returned 284  
because it has died as a result of neglect or other misconduct by 285  
the impounding agency or if the companion animal is injured as a 286  
result of neglect or other misconduct by the impounding agency, 287  
the court shall order the impounding agency to pay the owner an 288  
amount determined by the court to be equal to the reasonable 289  
market value of the companion animal at the time that it was 290  
impounded plus statutory interest as defined in section 1343.03 of 291  
the Revised Code from the date of the impoundment or an amount 292  
determined by the court to be equal to the reasonable cost of 293  
treatment of the injury to the companion animal, as applicable. 294  
The requirements established in this division regarding the return 295  
of a bond or cash deposit and the payment of the reasonable market 296  
value of the companion animal shall not apply in the case of a dog 297  
that, in violation of section 955.01 of the Revised Code, was not 298

registered at the time it was seized and impounded. 299

(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)(5), (D)(2)~~ (D)(2), (D)(3), (E)(2), (E)(3), (F)(2), or (F)(3) 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 330  
or livestock is forfeited and sold pursuant to this division, the 331  
proceeds from the sale first shall be applied to pay the expenses 332  
incurred with regard to the care of the animal from the time it 333  
was taken from the custody of the former owner. The balance of the 334  
proceeds from the sale, if any, shall be paid to the former owner 335  
of the animal. 336

(E)(1) ~~Whoever~~ Except as otherwise provided in division 337  
(E)(5) of this section, whoever violates division (B) of section 338  
959.131 of the Revised Code is guilty of a misdemeanor of the 339  
first degree on a first offense and a felony of the fifth degree 340  
on each subsequent offense. 341

(2) Whoever violates division (C) of section 959.131 of the 342  
Revised Code is guilty of a felony of the fifth degree. 343

(3) Except as otherwise provided in division (E)(5) of this 344  
section, whoever violates section 959.01 of the Revised Code or 345  
division ~~(C)~~(D) of section 959.131 of the Revised Code is guilty 346  
of a misdemeanor of the second degree on a first offense and a 347  
misdemeanor of the first degree on each subsequent offense. 348

~~(3)~~(4) Whoever violates division ~~(D)~~(E) of section 959.131 of 349  
the Revised Code is guilty of a felony of the fifth degree. 350

~~(4)~~ ~~Whoever~~ (5) Except as otherwise provided in division 351  
(E)(5) of this section, whoever violates division ~~(E)~~(F) of 352  
section 959.131 of the Revised Code is guilty of a misdemeanor of 353  
the first degree. 354

~~(5)~~(6) If a violation of division (B), (D), or (F) of section 355  
959.131 of the Revised Code proximately causes the death of a 356  
companion animal, the violator is guilty of a felony of the fifth 357  
degree. For purposes of this division, death of a companion animal 358  
includes the euthanization of a companion animal upon the 359  
recommendation of a licensed veterinarian as defined in section 360

4741.01 of the Revised Code. 361

(7)(a) A court may order a person who is convicted of or 362  
pleads guilty to a violation of section 959.131 of the Revised 363  
Code to forfeit to an impounding agency, as defined in section 364  
959.132 of the Revised Code, any or all of the companion animals 365  
in that person's ownership or care. The court also may prohibit or 366  
place limitations on the person's ability to own or care for any 367  
companion animals for a specified or indefinite period of time. 368

(b) A court may order a person who is convicted of or pleads 369  
guilty to a violation of section 959.131 of the Revised Code to 370  
reimburse an impounding agency for the reasonably necessary costs 371  
incurred by the agency for the care of a companion animal that the 372  
agency impounded as a result of the investigation or prosecution 373  
of the violation, provided that the costs were not otherwise paid 374  
under section 959.132 of the Revised Code. 375

~~(6)~~(8) If a court has reason to believe that a person who is 376  
convicted of or pleads guilty to a violation of section 959.131 of 377  
the Revised Code suffers from a mental or emotional disorder that 378  
contributed to the violation, the court may impose as a community 379  
control sanction or as a condition of probation a requirement that 380  
the offender undergo psychological evaluation or counseling. The 381  
court shall order the offender to pay the costs of the evaluation 382  
or counseling. 383

(F) Whoever violates section 959.14 of the Revised Code is 384  
guilty of a misdemeanor of the second degree on a first offense 385  
and a misdemeanor of the first degree on each subsequent offense. 386

(G) Whoever violates section 959.05 or 959.20 of the Revised 387  
Code is guilty of a misdemeanor of the first degree. 388

(H) Whoever violates section 959.16 of the Revised Code is 389  
guilty of a felony of the fourth degree for a first offense and a 390  
felony of the third degree on each subsequent offense. 391

**Section 2.** That existing sections 959.131, 959.132, and 392  
959.99 of the Revised Code are hereby repealed. 393

**Section 3.** This act shall be known as Dick Goddard's Law. 394