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Am. Sub. H. B. No. 274

Representatives Patmon, Sears

**Cosponsors: Representatives Barnes, Cera, Lundy, Celebrezze, Pillich,
Winburn, Adams, R., Anielski, Antonio, Ashford, Baker, Beck, Blessing,
Boyce, Brown, Buchy, Butler, Carney, Clyde, Dovilla, Fedor, Foley, Gerberry,
Grossman, Hackett, Hagan, R., Henne, Hottinger, Milkovich, O'Brien,
Patterson, Pelanda, Ramos, Rogers, Ruhl, Williams Speaker Batchelder**

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A B I L L

To amend sections 959.131, 959.132, and 959.99 and to 1
enact section 4741.05 of the Revised Code to 2
revise provisions and penalties regarding 3
treatment of companion animals, to revise the 4
definition of "companion animal" in the Offenses 5
Relating to Domestic Animals Law, and to provide a 6
state collaborative effort to assist veterinarians 7
in identifying clients who may use their animals 8
to secure opioids for abuse. 9

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

Section 1. That sections 959.131, 959.132, and 959.99 be 10
amended and section 4741.05 of the Revised Code be enacted to read 11
as follows: 12

Sec. 959.131. (A) As used in this section: 13

(1) "Companion animal" means any animal that is kept inside a 14
residential dwelling and any dog or cat regardless of where it is 15

kept, including a pet store as defined in section 956.01 of the Revised Code. "Companion animal" does not include livestock or any wild animal.

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

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

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

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

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

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

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

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

(10) "Livestock" means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other

animal that is raised or maintained domestically for food or 46
fiber. 47

(11) "Captive white-tailed deer" has the same meaning as in 48
section 1531.01 of the Revised Code. 49

(12) "Serious physical harm" means any of the following: 50

(a) Physical harm that carries a substantial risk of death; 51

(b) Physical harm that involves either partial or total 52
permanent incapacity; 53

(c) Physical harm that involves acute pain of a duration that 54
results in substantial suffering or that involves any degree of 55
prolonged or intractable pain; 56

(d) Physical harm that results from a person who confines or 57
who is the custodian or caretaker of a companion animal depriving 58
the companion animal of good, wholesome food and water that 59
proximately causes the death of the companion animal. 60

(B) No person shall knowingly torture, torment, needlessly 61
mutilate or maim, cruelly beat, poison, needlessly kill, or commit 62
an act of cruelty against a companion animal. 63

(C) No person shall knowingly cause serious physical harm to 64
a companion animal. 65

(D) No person who confines or who is the custodian or 66
caretaker of a companion animal shall negligently do any of the 67
following: 68

~~(1) Commit any act by which unnecessary or unjustifiable pain 69
or suffering is caused, permitted, or allowed to continue, when 70
there is a reasonable remedy or relief, against the companion 71
animal;~~ 72

~~(2) Omit any act of care by which unnecessary or 73
unjustifiable pain or suffering is caused, permitted, or allowed 74
to continue, when there is a reasonable remedy or relief, against 75~~

~~the companion animal;~~ 76

~~(3) Commit any act of neglect by which unnecessary or 77
unjustifiable pain or suffering is caused, permitted, or allowed 78
to continue, when there is a reasonable remedy or relief, against 79
the companion animal Torture, torment, or commit an act of cruelty 80
against the companion animal; 81~~

~~(4) Needlessly kill the companion animal;~~ 82

~~(5)(2) Deprive the companion animal of necessary sustenance, 83
or confine the companion animal without supplying it during the 84
confinement with sufficient quantities of good, wholesome food and 85
water, ~~or impound or confine the companion animal without 86
affording it, during the impoundment or confinement, with access 87
to shelter from heat, cold, wind, rain, snow, or excessive direct 88
sunlight,~~ if it can reasonably be expected that the companion 89
animal would become sick or suffer in any other way as a result of 90
or due to the deprivation, or confinement, ~~or impoundment or 91
confinement in any of those specified manners;~~ 92~~

~~(3) Impound or confine the companion animal without affording 93
it, during the impoundment or confinement, with access to shelter 94
from heat, cold, wind, rain, snow, or excessive direct sunlight if 95
it can reasonably be expected that the companion animal would 96
become sick or suffer in any other way as a result of or due to 97
the lack of adequate shelter. 98~~

~~(D)(E) No owner, manager, or employee of a dog kennel who 99
confines or is the custodian or caretaker of a companion animal 100
shall knowingly do any of the following: 101~~

~~(1) Torture, torment, needlessly mutilate or maim, cruelly 102
beat, poison, needlessly kill, or commit an act of cruelty against 103
the companion animal; 104~~

~~(2) Deprive the companion animal of necessary sustenance, or 105
confine the companion animal without supplying it during the 106~~

confinement with sufficient quantities of good, wholesome food and 107
water, ~~or impound or confine the companion animal without~~ 108
~~affording it, during the impoundment or confinement, with access~~ 109
~~to shelter if it is substantially certain that the companion~~ 110
~~animal would die or experience unnecessary or unjustifiable pain~~ 111
~~or suffering due to the deprivation, confinement, or impoundment~~ 112
~~or confinement in any of those specified manners~~ can reasonably be 113
expected that the companion animal would become sick or suffer in 114
any other way as a result of the deprivation or confinement; 115

(3) Impound or confine the companion animal without affording 116
it, during the impoundment or confinement, with access to shelter 117
from heat, cold, wind, rain, snow, or excessive direct sunlight if 118
it can reasonably be expected that the companion animal would 119
become sick or suffer in any other way as a result of or due to 120
the lack of adequate shelter. 121

~~(E)~~(F) No owner, manager, or employee of a dog kennel who 122
confines or is the custodian or caretaker of a companion animal 123
shall negligently do any of the following: 124

~~(1) Commit any act by which unnecessary or unjustifiable pain~~ 125
~~or suffering is caused, permitted, or allowed to continue, when~~ 126
~~there is a reasonable remedy or relief, against the companion~~ 127
~~animal;~~ 128

~~(2) Omit any act of care by which unnecessary or~~ 129
~~unjustifiable pain or suffering is caused, permitted, or allowed~~ 130
~~to continue, when there is a reasonable remedy or relief, against~~ 131
~~the companion animal;~~ 132

~~(3) Commit any act of neglect by which unnecessary or~~ 133
~~unjustifiable pain or suffering is caused, permitted, or allowed~~ 134
~~to continue, when there is a reasonable remedy or relief, against~~ 135
~~the companion animal~~ Torture, torment, or commit an act of cruelty 136
against the companion animal; 137

(4) Needlessly kill the companion animal;	138
(5)(2) Deprive the companion animal of necessary sustenance,	139
or confine the companion animal without supplying it during the	140
confinement with sufficient quantities of good, wholesome food and	141
water, or impound or confine the companion animal without	142
affording it, during the impoundment or confinement, with access	143
to shelter from heat, cold, wind, rain, snow, or excessive direct	144
sunlight if it can reasonably be expected that the companion	145
animal would become sick or suffer in any other way as a result of	146
or due to the deprivation, or confinement, or impoundment or	147
confinement in any of those specified manners;	148
<u>(3) Impound or confine the companion animal without affording</u>	149
<u>it, during the impoundment or confinement, with access to shelter</u>	150
<u>from heat, cold, wind, rain, snow, or excessive direct sunlight if</u>	151
<u>it can reasonably be expected that the companion animal would</u>	152
<u>become sick or suffer in any other way as a result of or due to</u>	153
<u>the lack of adequate shelter.</u>	154
(F)(G) Divisions (B), (C), (D), and (E), and (F) of this	155
section do not apply to any of the following:	156
(1) A companion animal used in scientific research conducted	157
by an institution in accordance with the federal animal welfare	158
act and related regulations;	159
(2) The lawful practice of veterinary medicine by a person	160
who has been issued a license, temporary permit, or registration	161
certificate to do so under Chapter 4741. of the Revised Code;	162
(3) Dogs being used or intended for use for hunting or field	163
trial purposes, provided that the dogs are being treated in	164
accordance with usual and commonly accepted practices for the care	165
of hunting dogs;	166
(4) The use of common training devices, if the companion	167
animal is being treated in accordance with usual and commonly	168

accepted practices for the training of animals; 169

(5) The administering of medicine to a companion animal that 170
was properly prescribed by a person who has been issued a license, 171
temporary permit, or registration certificate under Chapter 4741. 172
of the Revised Code. 173

~~(G)~~(H) Notwithstanding any section of the Revised Code that 174
otherwise provides for the distribution of fine moneys, the clerk 175
of court shall forward all fines the clerk collects that are so 176
imposed for any violation of this section to the treasurer of the 177
political subdivision or the state, whose county humane society or 178
law enforcement agency is to be paid the fine money as determined 179
under this division. The treasurer to whom the fines are forwarded 180
shall pay the fine moneys to the county humane society or the 181
county, township, municipal corporation, or state law enforcement 182
agency in this state that primarily was responsible for or 183
involved in the investigation and prosecution of the violation. If 184
a county humane society receives any fine moneys under this 185
division, the county humane society shall use the fine moneys 186
either to provide the training that is required for humane agents 187
under section 1717.06 of the Revised Code or to provide additional 188
training for humane agents. 189

Sec. 959.132. (A) As used in this section: 190

(1) "Companion animal" has the same meaning as in section 191
959.131 of the Revised Code. 192

(2) "Impounding agency" means a county humane society 193
organized under section 1717.05 of the Revised Code, an animal 194
shelter, or a law enforcement agency that has impounded a 195
companion animal in accordance with this section. 196

(3) "Offense" means a violation of section 959.131 of the 197
Revised Code or an attempt, in violation of section 2923.02 of the 198

Revised Code, to violate section 959.131 of the Revised Code. 199

(4) "Officer" means any law enforcement officer, agent of a 200
county humane society, or other person appointed to act as an 201
animal control officer for a municipal corporation or township in 202
accordance with state law, an ordinance, or a resolution. 203

(B) An officer may seize and cause to be impounded at an 204
impounding agency a companion animal that the officer has probable 205
cause to believe is the subject of an offense. No officer or 206
impounding agency shall impound a companion animal that is the 207
subject of an offense in a shelter owned, operated, or controlled 208
by a board of county commissioners pursuant to Chapter 955. of the 209
Revised Code unless the board, by resolution, authorizes the 210
impoundment of such a companion animal in a shelter owned, 211
operated, or controlled by that board and has executed, in the 212
case when the officer is other than a dog warden or assistant dog 213
warden, a contract specifying the terms and conditions of the 214
impoundment. 215

(C) The officer shall give written notice of the seizure and 216
impoundment to the owner, keeper, or harbinger of the companion 217
animal that was seized and impounded. If the officer is unable to 218
give the notice to the owner, keeper, or harbinger of the companion 219
animal, the officer shall post the notice on the door of the 220
residence or in another conspicuous place on the premises at which 221
the companion animal was seized. The notice shall include a 222
statement that a hearing will be held not later than ten days 223
after the notice is provided or at the next available court date 224
to determine whether the officer had probable cause to seize the 225
companion animal and, if applicable, to determine the amount of a 226
bond or cash deposit that is needed to provide for the companion 227
animal's care and keeping for not less than thirty days beginning 228
on the date on which the companion animal was impounded. 229

(D) A companion animal that is seized under this section may 230

be humanely destroyed immediately or at any time during 231
impoundment if a licensed veterinarian determines it to be 232
necessary because the companion animal is suffering. 233

(E)(1) Not later than ten days after notice is provided or at 234
the next available court date, the court shall hold a hearing to 235
determine whether the officer impounding a companion animal had 236
probable cause to seize the companion animal. If the court 237
determines that probable cause exists, the court shall determine 238
the amount of a bond or cash deposit that is needed to provide for 239
the companion animal's care and keeping for not less than thirty 240
days beginning on the date on which the companion animal was 241
impounded. 242

(2) If the court determines that probable cause does not 243
exist, the court immediately shall order the impounding agency to 244
return the companion animal to its owner if possible. If the 245
companion animal cannot be returned because it has died as a 246
result of neglect or other misconduct by the impounding agency or 247
if the companion animal is injured as a result of neglect or other 248
misconduct by the impounding agency, the court shall order the 249
impounding agency to pay the owner an amount determined by the 250
court to be equal to the reasonable market value of the companion 251
animal at the time that it was impounded plus statutory interest 252
as defined in section 1343.03 of the Revised Code from the date of 253
the impoundment or an amount determined by the court to be equal 254
to the reasonable cost of treatment of the injury to the companion 255
animal, as applicable. The requirement established in division 256
(E)(2) of this section regarding the payment of the reasonable 257
market value of the companion animal shall not apply in the case 258
of a dog that, in violation of section 955.01 of the Revised Code, 259
was not registered at the time it was seized and impounded. 260

(3) If the court determines that probable cause exists and 261
determines the amount of a bond or cash deposit, the case shall 262

continue and the owner shall post a bond or cash deposit to 263
provide for the companion animal's care and keeping for not less 264
than thirty days beginning on the date on which the companion 265
animal was impounded. The owner may renew a bond or cash deposit 266
by posting, not later than ten days following the expiration of 267
the period for which a previous bond or cash deposit was posted, a 268
new bond or cash deposit in an amount that the court, in 269
consultation with the impounding agency, determines is sufficient 270
to provide for the companion animal's care and keeping for not 271
less than thirty days beginning on the date on which the previous 272
period expired. If no bond or cash deposit is posted or if a bond 273
or cash deposit expires and is not renewed, the impounding agency 274
may determine the disposition of the companion animal unless the 275
court issues an order that specifies otherwise. 276

(F) If a person is convicted of committing an offense, the 277
court may impose the following additional penalties against the 278
person: 279

(1) A requirement that the person pay for the costs incurred 280
by the impounding agency in caring for a companion animal involved 281
in the applicable offense, provided that the costs were incurred 282
during the companion animal's impoundment. A bond or cash deposit 283
posted under this section may be applied to the costs. 284

(2) An order permanently terminating the person's right to 285
possession, title, custody, or care of the companion animal that 286
was involved in the offense. If the court issues such an order, 287
the court shall order the disposition of the companion animal. 288

(G) If a person is found not guilty of committing an offense, 289
the court immediately shall order the impounding agency to return 290
the companion animal to its owner if possible and to return the 291
entire amount of any bond or cash deposit posted under division 292
(E) of this section. If the companion animal cannot be returned 293
because it has died as a result of neglect or other misconduct by 294

the impounding agency or if the companion animal is injured as a 295
result of neglect or other misconduct by the impounding agency, 296
the court shall order the impounding agency to pay the owner an 297
amount determined by the court to be equal to the reasonable 298
market value of the companion animal at the time that it was 299
impounded plus statutory interest as defined in section 1343.03 of 300
the Revised Code from the date of the impoundment or an amount 301
determined by the court to be equal to the reasonable cost of 302
treatment of the injury to the companion animal, as applicable. 303
The requirements established in this division regarding the return 304
of a bond or cash deposit and the payment of the reasonable market 305
value of the companion animal shall not apply in the case of a dog 306
that, in violation of section 955.01 of the Revised Code, was not 307
registered at the time it was seized and impounded. 308

(H) If charges are filed under section 959.131 of the Revised 309
Code against the custodian or caretaker of a companion animal, but 310
the companion animal that is the subject of the charges is not 311
impounded, the court in which the charges are pending may order 312
the owner or person having custody of the companion animal to 313
provide to the companion animal the necessities described in 314
division ~~(C)(5), (D)(2)~~ (D)(2), (D)(3), (E)(2), (E)(3), (F)(2), or 315
~~(E)(5)~~ (F)(3) of section 959.131 of the Revised Code until the 316
final disposition of the charges. If the court issues an order of 317
that nature, the court also may authorize an officer or another 318
person to visit the place where the companion animal is being 319
kept, at the times and under the conditions that the court may 320
set, to determine whether the companion animal is receiving those 321
necessities and to remove and impound the companion animal if the 322
companion animal is not receiving those necessities. 323

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of 324
the Revised Code is guilty of a minor misdemeanor. 325

(B) Except as otherwise provided in this division, whoever 326
violates section 959.02 of the Revised Code is guilty of a 327
misdemeanor of the second degree. If the value of the animal 328
killed or the injury done amounts to three hundred dollars or 329
more, whoever violates section 959.02 of the Revised Code is 330
guilty of a misdemeanor of the first degree. 331

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, 332
or 959.17 of the Revised Code is guilty of a misdemeanor of the 333
fourth degree. 334

(D) Whoever violates division (A) of section 959.13 of the 335
Revised Code is guilty of a misdemeanor of the second degree. In 336
addition, the court may order the offender to forfeit the animal 337
or livestock and may provide for its disposition, including, but 338
not limited to, the sale of the animal or livestock. If an animal 339
or livestock is forfeited and sold pursuant to this division, the 340
proceeds from the sale first shall be applied to pay the expenses 341
incurred with regard to the care of the animal from the time it 342
was taken from the custody of the former owner. The balance of the 343
proceeds from the sale, if any, shall be paid to the former owner 344
of the animal. 345

(E)(1) Whoever violates division (B) of section 959.131 of 346
the Revised Code is guilty of a misdemeanor of the first degree on 347
a first offense and a felony of the fifth degree on each 348
subsequent offense. 349

(2) Whoever violates division (C) of section 959.131 of the 350
Revised Code is guilty of a felony of the fifth degree. 351

(3) Whoever violates section 959.01 of the Revised Code or 352
division ~~(C)~~(D) of section 959.131 of the Revised Code is guilty 353
of a misdemeanor of the second degree on a first offense and a 354
misdemeanor of the first degree on each subsequent offense. 355

~~(3)~~(4) Whoever violates division ~~(D)~~(E) of section 959.131 of 356

the Revised Code is guilty of a felony of the fifth degree. 357

~~(4)~~(5) Whoever violates division ~~(E)~~(F) of section 959.131 of 358
the Revised Code is guilty of a misdemeanor of the first degree. 359

~~(5)~~(6)(a) A court may order a person who is convicted of or 360
pleads guilty to a violation of section 959.131 of the Revised 361
Code to forfeit to an impounding agency, as defined in section 362
959.132 of the Revised Code, any or all of the companion animals 363
in that person's ownership or care. The court also may prohibit or 364
place limitations on the person's ability to own or care for any 365
companion animals for a specified or indefinite period of time. 366

(b) A court may order a person who is convicted of or pleads 367
guilty to a violation of section 959.131 of the Revised Code to 368
reimburse an impounding agency for the reasonably necessary costs 369
incurred by the agency for the care of a companion animal that the 370
agency impounded as a result of the investigation or prosecution 371
of the violation, provided that the costs were not otherwise paid 372
under section 959.132 of the Revised Code. 373

~~(6)~~(7) If a court has reason to believe that a person who is 374
convicted of or pleads guilty to a violation of section 959.131 of 375
the Revised Code suffers from a mental or emotional disorder that 376
contributed to the violation, the court may impose as a community 377
control sanction or as a condition of probation a requirement that 378
the offender undergo psychological evaluation or counseling. The 379
court shall order the offender to pay the costs of the evaluation 380
or counseling. 381

(F) Whoever violates section 959.14 of the Revised Code is 382
guilty of a misdemeanor of the second degree on a first offense 383
and a misdemeanor of the first degree on each subsequent offense. 384

(G) Whoever violates section 959.05 or 959.20 of the Revised 385
Code is guilty of a misdemeanor of the first degree. 386

(H) Whoever violates section 959.16 of the Revised Code is 387

guilty of a felony of the fourth degree for a first offense and a 388
felony of the third degree on each subsequent offense. 389

Sec. 4741.05. The attorney general, state veterinary medical 390
licensing board, state board of pharmacy, and Ohio veterinary 391
medical association shall collaborate in the development of 392
resources and educational materials to enhance the ability of 393
veterinarians to identify current or potential clients who may 394
abuse opioids and may use animals in their care to improperly 395
secure them. 396

Section 2. That existing sections 959.131, 959.132, and 397
959.99 of the Revised Code are hereby repealed. 398

Section 3. This act shall be known as Dick Goddard's Law. 399