

**As Reported by the House Judiciary Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Sub. H. B. No. 274**

**Representatives Patmon, Sears**

**Cosponsors: Representatives Barnes, Cera, Lundy, Celebrezze, Pillich,  
Winburn**

**—**

**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 16  
Revised Code. "Companion animal" does not include livestock or any 17  
wild animal. 18

(2) "Cruelty," "torment," and "torture" have the same 19  
meanings as in section 1717.01 of the Revised Code. 20

(3) "Residential dwelling" means a structure or shelter or 21  
the portion of a structure or shelter that is used by one or more 22  
humans for the purpose of a habitation. 23

(4) "Practice of veterinary medicine" has the same meaning as 24  
in section 4741.01 of the Revised Code. 25

(5) "Wild animal" has the same meaning as in section 1531.01 26  
of the Revised Code. 27

(6) "Federal animal welfare act" means the "Laboratory Animal 28  
Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 29  
2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. 30  
L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act 31  
Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and 32  
the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 33  
(1985), and as it may be subsequently amended. 34

(7) "Dog kennel" means an animal rescue for dogs that is 35  
registered under section 956.06 of the Revised Code, a boarding 36  
kennel, or a training kennel. 37

(8) "Boarding kennel" has the same meaning as in section 38  
956.01 of the Revised Code. 39

(9) "Training kennel" means an establishment operating for 40  
profit that keeps, houses, and maintains dogs for the purpose of 41  
training the dogs in return for a fee or other consideration. 42

(10) "Livestock" means horses, mules, and other equidae; 43  
cattle, sheep, goats, and other bovidae; swine and other suidae; 44  
poultry; alpacas; llamas; captive white-tailed deer; and any other 45  
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  
permanent incapacity; 52  
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(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. 54  
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(B) No person shall knowingly torture, torment, needlessly 57  
mutilate or maim, cruelly beat, poison, needlessly kill, or commit 58  
an act of cruelty against a companion animal. 59

(C) No person shall knowingly cause serious physical harm to  
a companion animal. 60  
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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: 62  
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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;~~ 65  
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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;~~ 69  
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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~~ Torture, torment, or commit an act of cruelty  
against the companion animal; 73  
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~~(4) Needlessly kill the companion animal;~~ 78

~~(5)(2) Deprive the companion animal of necessary sustenance, 79  
or confine the companion animal without supplying it during the 80  
confinement with sufficient quantities of good, wholesome food and 81  
water, or impound or confine the companion animal without 82  
affording it, during the impoundment or confinement, with access 83  
to shelter from heat, cold, wind, rain, snow, or excessive direct 84  
sunlight, if it can reasonably be expected that the companion 85  
animal would become sick or suffer in any other way as a result of 86  
or due to the deprivation, or confinement, or impoundment or 87  
confinement in any of those specified manners; 88~~

(3) Impound or confine the companion animal without affording 89  
it, during the impoundment or confinement, with access to shelter 90  
from heat, cold, wind, rain, snow, or excessive direct sunlight if 91  
it can reasonably be expected that the companion animal would 92  
become sick or suffer in any other way as a result of or due to 93  
the lack of adequate shelter. 94

~~(D)(E) No owner, manager, or employee of a dog kennel who 95  
confines or is the custodian or caretaker of a companion animal 96  
shall knowingly do any of the following: 97~~

~~(1) Torture, torment, needlessly mutilate or maim, cruelly 98  
beat, poison, needlessly kill, or commit an act of cruelty against 99  
the companion animal; 100~~

~~(2) Deprive the companion animal of necessary sustenance, or 101  
confine the companion animal without supplying it during the 102  
confinement with sufficient quantities of good, wholesome food and 103  
water, or impound or confine the companion animal without 104  
affording it, during the impoundment or confinement, with access 105  
to shelter if it is substantially certain that the companion 106  
animal would die or experience unnecessary or unjustifiable pain 107  
or suffering due to the deprivation, confinement, or impoundment 108  
or confinement in any of those specified manners can reasonably be 109  
expected that the companion animal would become sick or suffer in 110~~

any other way as a result of the deprivation or confinement; 111

(3) Impound or confine the companion animal without affording 112  
it, during the impoundment or confinement, with access to shelter 113  
from heat, cold, wind, rain, snow, or excessive direct sunlight if 114  
it can reasonably be expected that the companion animal would 115  
become sick or suffer in any other way as a result of or due to 116  
the lack of adequate shelter. 117

~~(E)(F)~~ No owner, manager, or employee of a dog kennel who 118  
confines or is the custodian or caretaker of a companion animal 119  
shall negligently do any of the following: 120

~~(1) Commit any act by which unnecessary or unjustifiable pain~~ 121  
~~or suffering is caused, permitted, or allowed to continue, when~~ 122  
~~there is a reasonable remedy or relief, against the companion~~ 123  
~~animal;~~ 124

~~(2) Omit any act of care by which unnecessary or~~ 125  
~~unjustifiable pain or suffering is caused, permitted, or allowed~~ 126  
~~to continue, when there is a reasonable remedy or relief, against~~ 127  
~~the companion animal;~~ 128

~~(3) Commit any act of neglect 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. Torture, torment, or commit an act of cruelty~~ 132  
~~against the companion animal;~~ 133

~~(4) Needlessly kill the companion animal;~~ 134

~~(5)(2)~~ Deprive the companion animal of necessary sustenance, 135  
or confine the companion animal without supplying it during the 136  
confinement with sufficient quantities of good, wholesome food and 137  
water, ~~or impound or confine the companion animal without~~ 138  
~~affording it, during the impoundment or confinement, with access~~ 139  
~~to shelter from heat, cold, wind, rain, snow, or excessive direct~~ 140  
~~sunlight if it can reasonably be expected that the companion~~ 141

animal would become sick or suffer in any other way as a result of 142  
or due to the deprivation, or confinement, ~~or impoundment or~~ 143  
~~confinement in any of those specified manners;~~ 144

(3) Impound or confine the companion animal without affording 145  
it, during the impoundment or confinement, with access to shelter 146  
from heat, cold, wind, rain, snow, or excessive direct sunlight if 147  
it can reasonably be expected that the companion animal would 148  
become sick or suffer in any other way as a result of or due to 149  
the lack of adequate shelter. 150

~~(F)~~(G) Divisions (B), (C), (D), ~~and~~ (E), and (F) of this 151  
section do not apply to any of the following: 152

(1) A companion animal used in scientific research conducted 153  
by an institution in accordance with the federal animal welfare 154  
act and related regulations; 155

(2) The lawful practice of veterinary medicine by a person 156  
who has been issued a license, temporary permit, or registration 157  
certificate to do so under Chapter 4741. of the Revised Code; 158

(3) Dogs being used or intended for use for hunting or field 159  
trial purposes, provided that the dogs are being treated in 160  
accordance with usual and commonly accepted practices for the care 161  
of hunting dogs; 162

(4) The use of common training devices, if the companion 163  
animal is being treated in accordance with usual and commonly 164  
accepted practices for the training of animals; 165

(5) The administering of medicine to a companion animal that 166  
was properly prescribed by a person who has been issued a license, 167  
temporary permit, or registration certificate under Chapter 4741. 168  
of the Revised Code. 169

~~(G)~~(H) Notwithstanding any section of the Revised Code that 170  
otherwise provides for the distribution of fine moneys, the clerk 171

of court shall forward all fines the clerk collects that are so 172  
imposed for any violation of this section to the treasurer of the 173  
political subdivision or the state, whose county humane society or 174  
law enforcement agency is to be paid the fine money as determined 175  
under this division. The treasurer to whom the fines are forwarded 176  
shall pay the fine moneys to the county humane society or the 177  
county, township, municipal corporation, or state law enforcement 178  
agency in this state that primarily was responsible for or 179  
involved in the investigation and prosecution of the violation. If 180  
a county humane society receives any fine moneys under this 181  
division, the county humane society shall use the fine moneys 182  
either to provide the training that is required for humane agents 183  
under section 1717.06 of the Revised Code or to provide additional 184  
training for humane agents. 185

**Sec. 959.132.** (A) As used in this section: 186

(1) "Companion animal" has the same meaning as in section 187  
959.131 of the Revised Code. 188

(2) "Impounding agency" means a county humane society 189  
organized under section 1717.05 of the Revised Code, an animal 190  
shelter, or a law enforcement agency that has impounded a 191  
companion animal in accordance with this section. 192

(3) "Offense" means a violation of section 959.131 of the 193  
Revised Code or an attempt, in violation of section 2923.02 of the 194  
Revised Code, to violate section 959.131 of the Revised Code. 195

(4) "Officer" means any law enforcement officer, agent of a 196  
county humane society, or other person appointed to act as an 197  
animal control officer for a municipal corporation or township in 198  
accordance with state law, an ordinance, or a resolution. 199

(B) An officer may seize and cause to be impounded at an 200  
impounding agency a companion animal that the officer has probable 201

cause to believe is the subject of an offense. No officer or 202  
impounding agency shall impound a companion animal that is the 203  
subject of an offense in a shelter owned, operated, or controlled 204  
by a board of county commissioners pursuant to Chapter 955. of the 205  
Revised Code unless the board, by resolution, authorizes the 206  
impoundment of such a companion animal in a shelter owned, 207  
operated, or controlled by that board and has executed, in the 208  
case when the officer is other than a dog warden or assistant dog 209  
warden, a contract specifying the terms and conditions of the 210  
impoundment. 211

(C) The officer shall give written notice of the seizure and 212  
impoundment to the owner, keeper, or harbinger of the companion 213  
animal that was seized and impounded. If the officer is unable to 214  
give the notice to the owner, keeper, or harbinger of the companion 215  
animal, the officer shall post the notice on the door of the 216  
residence or in another conspicuous place on the premises at which 217  
the companion animal was seized. The notice shall include a 218  
statement that a hearing will be held not later than ten days 219  
after the notice is provided or at the next available court date 220  
to determine whether the officer had probable cause to seize the 221  
companion animal and, if applicable, to determine the amount of a 222  
bond or cash deposit that is needed to provide for the companion 223  
animal's care and keeping for not less than thirty days beginning 224  
on the date on which the companion animal was impounded. 225

(D) A companion animal that is seized under this section may 226  
be humanely destroyed immediately or at any time during 227  
impoundment if a licensed veterinarian determines it to be 228  
necessary because the companion animal is suffering. 229

(E)(1) Not later than ten days after notice is provided or at 230  
the next available court date, the court shall hold a hearing to 231  
determine whether the officer impounding a companion animal had 232  
probable cause to seize the companion animal. If the court 233



determines that probable cause exists, the court shall determine 234  
the amount of a bond or cash deposit that is needed to provide for 235  
the companion animal's care and keeping for not less than thirty 236  
days beginning on the date on which the companion animal was 237  
impounded. 238

(2) If the court determines that probable cause does not 239  
exist, the court immediately shall order the impounding agency to 240  
return the companion animal to its owner if possible. If the 241  
companion animal cannot be returned because it has died as a 242  
result of neglect or other misconduct by the impounding agency or 243  
if the companion animal is injured as a result of neglect or other 244  
misconduct by the impounding agency, the court shall order the 245  
impounding agency to pay the owner an amount determined by the 246  
court to be equal to the reasonable market value of the companion 247  
animal at the time that it was impounded plus statutory interest 248  
as defined in section 1343.03 of the Revised Code from the date of 249  
the impoundment or an amount determined by the court to be equal 250  
to the reasonable cost of treatment of the injury to the companion 251  
animal, as applicable. The requirement established in division 252  
(E)(2) of this section regarding the payment of the reasonable 253  
market value of the companion animal shall not apply in the case 254  
of a dog that, in violation of section 955.01 of the Revised Code, 255  
was not registered at the time it was seized and impounded. 256

(3) If the court determines that probable cause exists and 257  
determines the amount of a bond or cash deposit, the case shall 258  
continue and the owner shall post a bond or cash deposit to 259  
provide for the companion animal's care and keeping for not less 260  
than thirty days beginning on the date on which the companion 261  
animal was impounded. The owner may renew a bond or cash deposit 262  
by posting, not later than ten days following the expiration of 263  
the period for which a previous bond or cash deposit was posted, a 264  
new bond or cash deposit in an amount that the court, in 265

consultation with the impounding agency, determines is sufficient 266  
to provide for the companion animal's care and keeping for not 267  
less than thirty days beginning on the date on which the previous 268  
period expired. If no bond or cash deposit is posted or if a bond 269  
or cash deposit expires and is not renewed, the impounding agency 270  
may determine the disposition of the companion animal unless the 271  
court issues an order that specifies otherwise. 272

(F) If a person is convicted of committing an offense, the 273  
court may impose the following additional penalties against the 274  
person: 275

(1) A requirement that the person pay for the costs incurred 276  
by the impounding agency in caring for a companion animal involved 277  
in the applicable offense, provided that the costs were incurred 278  
during the companion animal's impoundment. A bond or cash deposit 279  
posted under this section may be applied to the costs. 280

(2) An order permanently terminating the person's right to 281  
possession, title, custody, or care of the companion animal that 282  
was involved in the offense. If the court issues such an order, 283  
the court shall order the disposition of the companion animal. 284

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

determined by the court to be equal to the reasonable cost of 298  
treatment of the injury to the companion animal, as applicable. 299  
The requirements established in this division regarding the return 300  
of a bond or cash deposit and the payment of the reasonable market 301  
value of the companion animal shall not apply in the case of a dog 302  
that, in violation of section 955.01 of the Revised Code, was not 303  
registered at the time it was seized and impounded. 304

(H) If charges are filed under section 959.131 of the Revised 305  
Code against the custodian or caretaker of a companion animal, but 306  
the companion animal that is the subject of the charges is not 307  
impounded, the court in which the charges are pending may order 308  
the owner or person having custody of the companion animal to 309  
provide to the companion animal the necessities described in 310  
division ~~(C)(5), (D)(2)~~(D)(2), (D)(3), (E)(2), (E)(3), (F)(2), or 311  
~~(E)(5)~~(F)(3) of section 959.131 of the Revised Code until the 312  
final disposition of the charges. If the court issues an order of 313  
that nature, the court also may authorize an officer or another 314  
person to visit the place where the companion animal is being 315  
kept, at the times and under the conditions that the court may 316  
set, to determine whether the companion animal is receiving those 317  
necessities and to remove and impound the companion animal if the 318  
companion animal is not receiving those necessities. 319

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 of 320  
the Revised Code is guilty of a minor misdemeanor. 321

(B) Except as otherwise provided in this division, whoever 322  
violates section 959.02 of the Revised Code is guilty of a 323  
misdemeanor of the second degree. If the value of the animal 324  
killed or the injury done amounts to three hundred dollars or 325  
more, whoever violates section 959.02 of the Revised Code is 326  
guilty of a misdemeanor of the first degree. 327

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, 328

or 959.17 of the Revised Code is guilty of a misdemeanor of the 329  
fourth degree. 330

(D) Whoever violates division (A) of section 959.13 of the 331  
Revised Code is guilty of a misdemeanor of the second degree. In 332  
addition, the court may order the offender to forfeit the animal 333  
or livestock and may provide for its disposition, including, but 334  
not limited to, the sale of the animal or livestock. If an animal 335  
or livestock is forfeited and sold pursuant to this division, the 336  
proceeds from the sale first shall be applied to pay the expenses 337  
incurred with regard to the care of the animal from the time it 338  
was taken from the custody of the former owner. The balance of the 339  
proceeds from the sale, if any, shall be paid to the former owner 340  
of the animal. 341

(E)(1) ~~Whoever~~ Except as otherwise provided in division 342  
(E)(6) of this section, whoever violates division (B) of section 343  
959.131 of the Revised Code is guilty of a misdemeanor of the 344  
first degree on a first offense and a felony of the fifth degree 345  
on each subsequent offense. 346

(2) Whoever violates division (C) of section 959.131 of the 347  
Revised Code is guilty of a felony of the fifth degree. 348

(3) Except as otherwise provided in division (E)(6) of this 349  
section, whoever violates section 959.01 of the Revised Code or 350  
division ~~(C)~~(D) of section 959.131 of the Revised Code is guilty 351  
of a misdemeanor of the second degree on a first offense and a 352  
misdemeanor of the first degree on each subsequent offense. 353

~~(3)~~(4) Whoever violates division ~~(D)~~(E) of section 959.131 of 354  
the Revised Code is guilty of a felony of the fifth degree. 355

~~(4)~~ Whoever (5) Except as otherwise provided in division 356  
(E)(6) of this section, whoever violates division ~~(E)~~(F) of 357  
section 959.131 of the Revised Code is guilty of a misdemeanor of 358  
the first degree. 359

~~(5)~~(6) If a violation of division (B), (D), or (F) of section 959.131 of the Revised Code proximately causes the death of a companion animal, the violator is guilty of a felony of the fifth degree. 360  
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(7)(a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time. 364  
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(b) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code. 371  
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~~(6)~~(8) 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. 378  
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(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. 386  
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(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree. 389  
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(H) Whoever violates section 959.16 of the Revised Code is 391  
guilty of a felony of the fourth degree for a first offense and a 392  
felony of the third degree on each subsequent offense. 393

Sec. 4741.05. The attorney general, state veterinary medical 394  
licensing board, state board of pharmacy, and Ohio veterinary 395  
medical association shall collaborate in the development of 396  
resources and educational materials to enhance the ability of 397  
veterinarians to identify current or potential clients who may 398  
abuse opioids and may use animals in their care to improperly 399  
secure them. 400

**Section 2.** That existing sections 959.131, 959.132, and 401  
959.99 of the Revised Code are hereby repealed. 402

**Section 3.** This act shall be known as Dick Goddard's Law. 403