

As Introduced

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

H. B. No. 569

Representatives Sears, Wachtmann

**Cosponsors: Representatives Beck, Blessing, Derickson, DeVitis, Hall,
Mallory**

—

A BILL

To amend sections 959.15 and 959.99 of the Revised Code to prohibit and establish an increased penalty for knowingly engaging in activities associated with cockfighting, bearbaiting, or pitting an animal against another. 1
2
3
4
5

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

Section 1. That sections 959.15 and 959.99 of the Revised Code be amended to read as follows: 6
7

Sec. 959.15. (A) No person shall knowingly engage do either of the following: 8
9

(1) Engage in or be employed at cockfighting, bearbaiting, or pitting an animal against another; ~~no person shall receive money for the admission of another to a place kept for such purpose; no person shall use,~~ 10
11
12
13

(2) Use, train, or possess any animal for seizing, detaining, or maltreating a domestic animal. ~~Any person who knowingly purchases a ticket of admission to such place, or is present thereat, or witnesses such spectacle, is an aider and abettor.~~ 14
15
16
17

(B) When committing a violation of division (A) of this section, no person shall knowingly do either of the following: 18
19

(1) Be employed at cockfighting, bearbaiting, or pitting an animal against another; 20
21

(2) Do any of the following regarding an event involving cockfighting, bearbaiting, or pitting an animal against another: 22
23

(a) Wager money or anything else of value on the results of the event; 24
25

(b) Pay money or give anything else of value in exchange for admission to or being present at the event; 26
27

(c) Receive money or anything else of value in exchange for the admission of another person to the event or for another person to be present at the event; 28
29
30

(d) Permit or cause a minor to be present at the event if any person present at or involved with the event is conducting any of the activities described in division (B) of this section; 31
32
33

(e) Use, possess, or permit or cause to be present any device or substance intended to enhance an animal's ability to fight or to inflict injury on another animal. 34
35
36

(C) A person who knowingly witnesses cockfighting, bearbaiting, or an event in which one animal is pitted against another in violation of division (B) of this section, is an aider and abettor and has committed a violation of this division. 37
38
39
40

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of the Revised Code is guilty of a minor misdemeanor. 41
42

(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 43
44
45
46

more, whoever violates section 959.02 of the Revised Code is 47
guilty of a misdemeanor of the first degree. 48

(C) Whoever violates section 959.03, 959.06, 959.12, ~~959.15,~~ 49
or 959.17 or division (A) of section 959.15 of the Revised Code is 50
guilty of a misdemeanor of the fourth degree. 51

(D) Whoever violates division (A) of section 959.13 of the 52
Revised Code is guilty of a misdemeanor of the second degree. In 53
addition, the court may order the offender to forfeit the animal 54
or livestock and may provide for its disposition, including, but 55
not limited to, the sale of the animal or livestock. If an animal 56
or livestock is forfeited and sold pursuant to this division, the 57
proceeds from the sale first shall be applied to pay the expenses 58
incurred with regard to the care of the animal from the time it 59
was taken from the custody of the former owner. The balance of the 60
proceeds from the sale, if any, shall be paid to the former owner 61
of the animal. 62

(E)(1) Whoever violates division (B) of section 959.131 of 63
the Revised Code is guilty of a misdemeanor of the first degree on 64
a first offense and a felony of the fifth degree on each 65
subsequent offense. 66

(2) Whoever violates section 959.01 of the Revised Code or 67
division (C) of section 959.131 of the Revised Code is guilty of a 68
misdemeanor of the second degree on a first offense and a 69
misdemeanor of the first degree on each subsequent offense. 70

(3) Whoever violates division (D) of section 959.131 of the 71
Revised Code is guilty of a felony of the fifth degree. 72

(4) Whoever violates division (E) of section 959.131 of the 73
Revised Code is guilty of a misdemeanor of the first degree. 74

(5)(a) A court may order a person who is convicted of or 75
pleads guilty to a violation of section 959.131 of the Revised 76
Code to forfeit to an impounding agency, as defined in section 77

959.132 of the Revised Code, any or all of the companion animals 78
in that person's ownership or care. The court also may prohibit or 79
place limitations on the person's ability to own or care for any 80
companion animals for a specified or indefinite period of time. 81

(b) A court may order a person who is convicted of or pleads 82
guilty to a violation of section 959.131 of the Revised Code to 83
reimburse an impounding agency for the reasonably necessary costs 84
incurred by the agency for the care of a companion animal that the 85
agency impounded as a result of the investigation or prosecution 86
of the violation, provided that the costs were not otherwise paid 87
under section 959.132 of the Revised Code. 88

(6) If a court has reason to believe that a person who is 89
convicted of or pleads guilty to a violation of section 959.131 of 90
the Revised Code suffers from a mental or emotional disorder that 91
contributed to the violation, the court may impose as a community 92
control sanction or as a condition of probation a requirement that 93
the offender undergo psychological evaluation or counseling. The 94
court shall order the offender to pay the costs of the evaluation 95
or counseling. 96

(F) Whoever violates section 959.14 of the Revised Code is 97
guilty of a misdemeanor of the second degree on a first offense 98
and a misdemeanor of the first degree on each subsequent offense. 99

(G) Whoever violates section 959.05 or 959.20 of the Revised 100
Code is guilty of a misdemeanor of the first degree. 101

(H) Whoever violates section 959.16 of the Revised Code is 102
guilty of a felony of the fourth degree for a first offense and a 103
felony of the third degree on each subsequent offense. 104

(I) Whoever violates division (B) or (C) of section 959.15 of 105
the Revised Code is guilty of a felony and shall be fined not more 106
than ten thousand dollars. 107

Section 2. That existing sections 959.15 and 959.99 of the 108

Revised Code are hereby repealed.

109