



H.B. 439

124th General Assembly
(As Introduced)

Rep. Lendrum

BILL SUMMARY

- Increases the penalty for cruelty to animals to a felony of the third degree and, notwithstanding the Felony Sentencing Law, requires the court to impose a fine of \$10,000.

CONTENT AND OPERATION

Existing law

Prohibition

Existing law prohibits a person from doing any of the following (R.C. 959.13(A)):

(1) Torturing an animal, depriving one of necessary sustenance, unnecessarily or cruelly beating, needlessly mutilating or killing, or impounding or confining an animal without supplying it during that confinement with a sufficient quantity of good wholesome food and water;

(2) Impounding or confining an animal without affording it, during that confinement, access to shelter from wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. For the purpose of this provision, "shelter" means a man-made enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development, or vegetation.

(3) Carrying or conveying an animal in a cruel or inhumane manner;

(4) Keeping animals (other than cattle, poultry or fowl, swine, sheep, or goats) in an enclosure without wholesome exercise and change of air, or feeding cows on food that produces impure or unwholesome milk;

(5) Detaining livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permitting such stock to be so crowded as to overlie, crush, wound, or kill each other.

Exceptions

The prohibition does not prevent the dehorning of cattle. The second circumstance described in the prohibition does not apply to animals impounded or confined prior to slaughter. Also, upon the written request of the owner or person in custody of any particular shipment of livestock, which written request must be separate and apart from any printed bill of lading or other railroad form, the length of time in which the livestock may be detained in any cars or compartments without food, water, and attention, may be extended to 36 hours (rather than the 28 hours described in the fifth circumstance). (R.C. 959.13(A)(2) and (B).)

Penalty

A person who violates the prohibition 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 or livestock is forfeited and sold, the proceeds from the sale first must be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, must be paid to the former owner of the animal. All fines collected for violations of the prohibition must be paid to the society or association for the prevention of cruelty to animals, if one exists in the county, township, or municipal corporation where the violation occurred. (R.C. 959.13(C) and 959.99(D).)

Operation of the bill

The bill increases the penalty for a violation of the prohibition to a felony of the third degree. It also requires the court notwithstanding the Felony Sentencing Law, to impose a fine of \$10,000 (R.C. 959.99(D)). Felony Sentencing Law permits, but does not require, a court to impose a fine of up to \$10,000 for a felony of the third degree. As under existing law, all fines collected for violations of the prohibition must be paid to the society or association for the prevention of cruelty to animals, if one exists in the county, township, or municipal corporation where the violation occurred. (R.C. 959.13(C) and 2929.18(A)(3)(c).)

HISTORY

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