



H.B. 613

126th General Assembly
(As Introduced)

Reps. Williams, DeGeeter, Distel, Allen, Yuko, Otterman, D. Stewart, Fende, Beatty, Strahorn

BILL SUMMARY

- Increases the penalty for a violation of the prohibition against committing cruelty to animals for a second or subsequent violation from a misdemeanor of the second degree (the same penalty for a first violation) to a felony of the fifth degree.
- Increases the penalty for a violation of the prohibition against committing cruelty to a companion animal from a misdemeanor of the first degree for a first offense and a felony of the fifth degree for each subsequent violation to a felony of the fifth degree for the first violation and a felony of the third degree for each subsequent violation.
- Requires a court, in addition to any other disposition that it makes, to order a child under 15 years of age who is adjudicated a delinquent child for committing animal cruelty against a companion animal to undergo psychological evaluation and individual or family counseling for a period of not less than six months.
- Allows the court, when ordering the evaluation and counseling described in the previous dot point to order the parent, guardian, or other person having care of the child to pay the costs of the evaluation, counseling, or both.

CONTENT AND OPERATION

Cruelty to animals

Current law, unchanged by the bill, prohibits a person from doing any of the following (R.C. 959.13, not in the bill):

(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 such confinement with a sufficient quantity of good wholesome food and water;

(2) Impounding or confining an animal, other than an animal impounded or confined prior to slaughter, without affording it, during such 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;¹

(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, nor feed cows on food that produces impure or unwholesome milk;

(5) Detaining livestock in railroad cars or compartments longer than 28 hours, unless permission has been granted for up to 36 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.

Under current law, a violation of this prohibition is a misdemeanor of the second degree, and the court may order the offender to forfeit the animal or livestock and may provide for its disposition. The bill makes no change to the penalty for a first violation but increases the penalty to a felony of the fifth degree for each subsequent violation. (R.C. 959.99(D).)

Cruelty to a companion animal

Current law, unchanged by the bill, prohibits any person from knowingly torturing, tormenting, needlessly mutilating or maiming, cruelly beating, poisoning, needlessly killing, or committing an act of cruelty against a companion animal (see **COMMENT** for applicable definitions) (R.C. 959.131(B), not in the bill).

A violation of this prohibition currently is a misdemeanor of the first degree for a first offense and a felony of the fifth degree for each subsequent violation. The bill increases these penalties so that a first violation is a felony of the fifth

¹ For purposes of this prohibition, 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 (R.C. 959.13(A)(2)).

degree and a subsequent violation is a felony of the third degree (R.C. 959.99(E)(1)(b)).

Psychological treatment for a delinquent child who commits animal cruelty against a companion animal

The bill requires a court, in addition to any other disposition that it makes, to order a child under 15 years of age who is adjudicated a delinquent child for committing animal cruelty against a companion animal to undergo psychological evaluation and individual or family counseling for a period of not less than six months. The court may also order the parent, guardian, or other person having care of the child to pay the costs of the evaluation, counseling, or both. (R.C. 959.99(E)(4)(b) and 2152.19(F).)

COMMENT

"Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal. (R.C. 959.131(A)(1).)

"Cruelty," "torment," and "torture" include every act, omission, or neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief (R.C. 959.131(A)(2), referencing R.C. 1717.01(B)).

"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 (R.C. 959.131(A)(3)).

"Wild animal" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer (R.C. 959.131(A)(5), referencing R.C. 1531.01(X)).

HISTORY

ACTION	DATE
Introduced	06-13-06

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