



Ohio Legislative Service Commission

Bill Analysis

Jeff Grim

Am. Sub. H.B. 108 128th General Assembly (As Passed by the House)

Reps. Domenick and Blessing, Harris, Newcomb, Luckie, Chandler, Yuko, Bacon, Bolon, Brown, DeBose, Dodd, Dyer, Foley, Garland, Gerberry, Grossman, Hackett, Hagan, Heard, Letson, Mallory, Pillich, Stewart, B. Williams, Winburn, Yates

BILL SUMMARY

- Increases the penalty for cockfighting.
- Applies procedures and requirements in current law governing the seizure, impoundment, and disposition of dogs involved in dogfighting to roosters involved in cockfighting.
- Requires a peace officer to confiscate any equipment or devices used in training roosters for cockfighting or as part of cockfighting.

CONTENT AND OPERATION

Penalty for cockfighting

Continuing law, unchanged by the bill, provides that no person may knowingly engage in or be employed at cockfighting, bearbaiting, or pitting an animal against another; no person may receive money for the admission of another to a place kept for such purpose; and no person may use, train, or possess any animal for seizing, detaining, or maltreating a domestic animal. Continuing law, also unchanged by the bill, provides that any person who knowingly purchases a ticket of admission to such a place, or is present thereat, or witnesses such a spectacle, is an aider and abettor. (R.C. 959.15, not in the bill.)

Under current law, a violation of those prohibitions is a misdemeanor of the fourth degree. The bill increases the penalty for a violation of the prohibitions as they relate to cockfighting to a felony of the fifth degree on a first offense and a felony of the third degree for each subsequent offense. Additionally, the bill provides that if any equipment, devices, or other items involved in such an offense are confiscated,

forfeited, and sold or if any cash is confiscated and forfeited, the proceeds from the sale and the cash that is confiscated and forfeited, if any, must be used to pay the costs incurred by the impounding animal shelter in caring for or euthanizing a rooster involved in the offense. The court must order any proceeds and any cash that remain after those costs are paid to be transferred to a local 4-H youth development program to be used for educational purposes. (R.C. 959.99(I).)

Procedures for seizure and impoundment

Current law

Current law authorizes a peace officer to seize and cause to be impounded with an impounding entity a fighting dog that the peace officer has probable cause to believe is involved in a violation (R.C. 959.161(B)). Current law defines "peace officer" to include certain law enforcement personnel who are specified under the Criminal Code. "Impounding entity" is defined as the entity that has possession of an impounded fighting dog during its impoundment. Current law defines "fighting dog" as a dog that a peace officer has probable cause to believe has been, is, or is intended to be used in dogfighting. "Violation" is defined as a violation of the prohibition against dogfighting or an attempt to violate that prohibition. (R.C. 959.161(A).)

Under current law, a fighting dog that is seized may be humanely destroyed under either of the following circumstances: (1) during its seizure if it is necessary because the fighting dog is suffering, or (2) at any time during its impoundment if a licensed veterinarian determines it to be necessary because the fighting dog is suffering (R.C. 959.161(C)).

Current law specifies that certain procedures, requirements, and other provisions regarding the seizure and impoundment of companion animals also apply to the seizure, impoundment, and disposition of fighting dogs, specifically the procedures, requirements, and provisions regarding notice of seizure and impoundment, a probable cause hearing, posting of bond or cash deposit, additional penalties, and actions to be taken upon a finding of not guilty. Current law states that for purposes of that application, references in those provisions to "companion animal," "impounding agency," "officer," and "offense" are deemed to be replaced, respectively, with references to "fighting dog," "impounding entity," "peace officer," and "violation." Likewise, references in those provisions to the prohibition against the abuse or neglect of a companion animal are deemed to be replaced with references to the prohibition against dogfighting, as applicable. (R.C. 959.161(D).)

The bill

The bill replaces the term "fighting dog" in the above provisions with the term "fighting animal." It then defines "fighting animal" to mean a dog that is a fighting dog under current law and a rooster that a peace officer has probable cause to believe has been, is, or is intended to be used in cockfighting. Additionally, for purposes of the above provisions, the bill specifies that "violation" includes a violation of the prohibitions in existing law discussed above involving cockfighting. Thus, under the bill, the procedures, requirements, and provisions discussed above regarding seizure, impoundment, and disposition also apply to roosters that are used in cockfighting. (R.C. 959.161.)

Finally, the bill requires a peace officer to confiscate any equipment or devices used in training roosters for the purpose of cockfighting or as part of cockfighting (R.C. 959.151).

HISTORY

ACTION	DATE
Introduced	03-30-09
Reported, H. Agriculture & Natural Resources	06-10-09
Passed House (79-19)	12-01-09

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