



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 243

130th General Assembly
(As Introduced)

Reps. Slaby and Stinziano, Antonio, Beck, Brenner, Celebrezze, Curtin, Fedor, Gerberry, Grossman, R. Hagan, Henne

BILL SUMMARY

- Requires a court to impose a term of basic probation supervision or intensive probation supervision as an additional sanction for a felony violation of the prohibition against cruelty to a companion animal if the offender is not already undergoing counseling.
- Requires a court to require a child under 18 years of age who is adjudicated a delinquent child for cruelty to a companion animal to undergo psychological evaluation to determine if the child needs individual or family counseling.
- Permits a court to include within the scope of criminal or civil protection orders any companion animal that is in the residence of the complainant, the alleged victim, the person to be protected, or the petitioner, as applicable, and to issue additional orders for the protection of the companion animal.

CONTENT AND OPERATION

Cruelty to companion animals

The bill provides that in addition to any other sanction imposed for a felony violation of the prohibition against cruelty to a "companion animal" if the offender is not already undergoing counseling, a court must impose a term of "basic probation supervision" or a term of "intensive probation supervision" (see "**Definitions**").¹ The bill requires a court to require a child under 18 years of age who is adjudicated a delinquent child for cruelty to a companion animal, in addition to any other disposition it makes, to

¹ R.C. 959.99(E)(1).

undergo psychological evaluation. The evaluation must determine if the child needs individual or family counseling and make a recommendation as to the counseling's frequency and length of time. If individual or family counseling is recommended, the court must require the counseling to take place and establish its frequency and length of time. The court may order the parent, guardian, or other person having care of the child to pay the costs of the evaluation, any counseling, or both.²

Continuing law 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. A violation of this prohibition is a misdemeanor or the first degree on a first offense and a felony of the fifth degree on each subsequent offense. If a court has reason to believe that a person who is convicted of or pleads guilty to such a violation 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 must order the offender to pay the costs of the evaluation or counseling.³

Inclusion of protection of companion animals in protection orders

Criminal protection orders

The bill permits a court to include within the scope of each of the following types of criminal protection orders any companion animal that is in the residence of the complainant, the alleged victim, or the person to be protected, as applicable:⁴

- A protection order as a pretrial condition of release of an alleged offender of the offense of felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, or aggravated trespass or of a sexually oriented offense, issued upon motion of the complainant, alleged victim, or family or household member of an alleged victim.
- A protection order issued against a respondent who committed the offense of menacing by stalking or a sexually oriented offense against the person to be protected by the protection order.
- A temporary protection order as a pretrial condition of release of the alleged offender of the offense of criminal damaging or endangering,

² R.C. 959.99(E)(4)(b) and 2152.19(F).

³ R.C. 959.131(B), not in the bill, and R.C. 959.99(E)(1) and (4).

⁴ R.C. 2903.213(C)(1), 2903.214(E)(1)(a), and 2919.26(C)(1).



criminal mischief, burglary, or aggravated trespass, an offense of violence, or a sexually oriented offense, if the alleged victim was a family or household member at the time of the offense, issued upon motion of the complainant, alleged victim, or family or household member of an alleged victim.

In each of those procedures, the court also may issue additional orders as it considers appropriate for the protection of the companion animal, including any of the following:⁵

(1) An order directing the alleged offender or respondent, as applicable, to refrain from abusing, threatening, injuring, concealing, disposing of, or interfering with the care, custody, and control of a companion animal that is in the possession of the complainant, alleged victim, or person to be protected, as applicable, or of the alleged offender or respondent, or is owned by the complainant, alleged victim, or person to be protected;

(2) An order to remove a companion animal from the possession of the alleged offender or respondent;

(3) An order permitting the complainant, alleged victim, or person to be protected to return to the residence to remove a companion animal from the possession of the alleged offender or respondent;

(4) An order prohibiting the alleged offender or respondent from having any contact with the companion animal;

(5) An order directing law enforcement to assist in the safe removal of a companion animal from the possession of the alleged offender or respondent.

Civil protection order or consent agreement

The bill permits a court to include in a civil protection order issued or consent agreement approved in a petition alleging that the respondent engaged in domestic violence against a family or household member of the respondent, any companion animal that is in the petitioner's residence. The court may issue additional orders as it considers appropriate for the protection of the companion animal, including any of the following:⁶

⁵ R.C. 2903.213(D)(1), 2903.214(E)(1)(a), and 2919.26(D)(1).

⁶ R.C. 3113.31(E)(10).

(1) An order directing the respondent to refrain from abusing, threatening, injuring, concealing, disposing of, or interfering with the care, custody, and control of a companion animal that is in the possession of the petitioner or the respondent or that is owned by the petitioner;

(2) An order to remove a companion animal from the possession of the respondent;

(3) An order permitting the petitioner to return to the residence to remove a companion animal from the possession of the respondent;

(4) An order prohibiting the respondent from having any contact with the companion animal;

(5) An order directing law enforcement to assist in the safe removal of a companion animal from the possession of the respondent.

Definitions

The bill defines the following terms:

"Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, and does not include livestock or any wild animal.⁷

"Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the Parole Board pursuant to the law dealing with post release controls. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.⁸

"Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the Parole Board pursuant to the law dealing with post release controls, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or Parole Board's order.

⁷ R.C. 2903.213(J)(2), 2903.214(A)(7), 2919.26(K)(1), and 3113.31(A)(7) — all by reference to R.C. 959.131(A)(1), not in the bill.

⁸ R.C. 959.99(E)(1)(b), by reference to R.C. 2929.01(B), not in the bill.



"Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.⁹

HISTORY

ACTION	DATE
Introduced	08-15-13

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⁹ R.C. 959.99(E)(1)(b), by reference to R.C. 2929.01(Q), not in the bill.

