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S.B. 205
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. Hottinger and O'Brien

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SUMMARY

- Redefines what constitutes serious physical injury inflicted on a companion animal and generally increases the penalty for knowingly causing serious physical injury to a companion animal from a first degree misdemeanor (for a first offense) to a third degree felony.
- Increases the penalty for knowingly and needlessly killing a companion animal from a first degree misdemeanor (for a first offense) to a third degree felony.
- Creates a new prohibition against a person who knowingly organizes, promotes, aides, or abets in causing serious physical injury to or the needlessly killing a companion animal, violation of which is a fourth degree felony.

DETAILED ANALYSIS

Changes to Ohio's animal abuse laws

S.B. 205 revises Ohio's animal abuse laws by generally increasing the penalties for certain abuses against a companion animal. A companion animal is a cat or dog, regardless of where the cat or dog is kept, and any other animal kept inside a residential dwelling.

The changes made by S.B. 205 are detailed in the table below.

Changes to Ohio's Companion Animal Abuse Law		
Topic	Current law	S.B. 205
Serious physical harm/injury to	Prohibits a person from causing "serious physical harm" to a companion	Instead prohibits a person from causing "serious physical <i>injury</i> " to a

Changes to Ohio's Companion Animal Abuse Law		
Topic	Current law	S.B. 205
a companion animal: general prohibition	<p>animal, which means any of the following:</p> <ol style="list-style-type: none"> 1. Physical harm that carries an unnecessary or unjustifiable substantial risk of death; 2. Physical harm that involves either partial or total permanent incapacity; 3. Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain; or 4. Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal. <p>Specifies that whoever knowingly causes serious physical harm to a companion animal is guilty of a fifth degree felony.²</p>	<p>companion animal, which means any of the following:¹</p> <ol style="list-style-type: none"> 1. Physical injury resulting from the unnecessary or unjustifiable cruel beating of a companion animal that causes prolonged or intractable pain or carries a substantial risk of death; 2. Physical injury resulting from the unnecessary or unjustifiable mutilation or maiming of a companion animal that causes prolonged or intractable pain or carries a substantial risk of death; or 3. Physical injury resulting from the poisoning of a companion animal that proximately causes the death of the companion animal. <p>Specifies that whoever knowingly causes serious physical injury to a companion animal is guilty of a third degree felony.³</p>
Maiming, cruelly beating, or poisoning	Prohibits a person from knowingly needlessly mutilating or maiming, cruelly beating, or poisoning a companion animal.	Instead, incorporates current law's prohibitions against knowingly mutilating or maiming, cruelly beating, or into the definition of "serious physical injury" (see above).

¹ R.C. 959.131(C)(1).

² R.C. 959.131(A)(12) and (C)(1); R.C. 959.99(E)(2).

³ R.C. 959.131(A)(12) and (C)(1); R.C. 959.99(E)(2).

Changes to Ohio's Companion Animal Abuse Law		
Topic	Current law	S.B. 205
	Specifies that a violation of the prohibition is a first degree misdemeanor on a first offense and a fifth degree felony on each subsequent offense. ⁴	Increases the penalty for these types of cruel beatings, maimings, mutilations, and poisonings to a third degree felony. ⁵
Serious physical harm/injury caused by a companion animal: caretaker	Specifies that serious physical harm includes physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal (see 4 above).	Instead prohibits any person who confines or who is the custodian or caretaker of a companion animal from <i>recklessly</i> depriving the companion animal of necessary sustenance or confining the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water.
	Specifies that a person who <i>knowingly</i> causes that type of physical harm is guilty of a fifth degree felony. ⁶	Specifies that whoever violates this prohibition is guilty of a first degree misdemeanor on a first offense and a fifth degree felony on subsequent offenses. ⁷
		While the bill decreases the penalty for this offense from a fifth degree felony to a first degree misdemeanor (fifth degree felony on subsequent offenses), it lowers the mental state that a person must have in order to violate the prohibition from knowingly to recklessly. This reduces the burden of proof for a prosecutor.

⁴ R.C. 959.131 and 959.99(E)(1).

⁵ R.C. 959.99(E)(2).

⁶ R.C. 959.131(A)(12)(d) and (C)(1); R.C. 959.99(E)(2).

⁷ R.C. 959.131(D) and 959.99(E)(1).

Changes to Ohio's Companion Animal Abuse Law		
Topic	Current law	S.B. 205
Needlessly killing a companion animal	Prohibits a person from needlessly killing a companion animal, violation of which is a first degree misdemeanor on a first offense and a fifth degree felony on subsequent offenses. ⁸	Increases the penalty for needlessly killing a companion animal to a third degree felony. ⁹
Sealed records	Allows records for any animal abuse offense to be sealed. ¹⁰	Precludes an offender from having their records sealed for knowingly causing serious physical injury to or needlessly killing a companion animal. ¹¹
Aiding or abetting animal abuse	Besides animal fighting, bestiality, and using unauthorized devices on a work animal, ¹² does not prohibit knowingly organizing, promoting, aiding, or abetting in animal abuse offense.	Prohibits a person from knowingly organizing, promoting, aiding, or abetting the causing of serious physical injury to or the needless killing of a companion animal.
	No provision.	Specifies that whoever violates this prohibition is guilty of a fourth degree felony.
	No provision.	Specifies that a violation of this prohibition must be prosecuted as an animal abuse violation rather than under the criminal complicity statute. ¹³

The bill also makes additional changes as follows:

- Subjects both nonregistered and registered animal rescues to the same felony-level penalty (fifth degree) for certain animal abuse acts. Under current law, an owner, manager, or employee of a nonregistered animal rescue for dogs is

⁸ R.C. 959.121(B) and 959.99(E)(1).

⁹ R.C. 959.99(E)(2).

¹⁰ R.C. 2953.31 to 2953.35.

¹¹ R.C. 2953.36(A)(8).

¹² See R.C. 959.15, 959.20, and 959.21, not in the bill.

¹³ R.C. 959.131(C)(2) and 959.99(E)(3).

subject to a first degree misdemeanor for those acts. Registered animal rescues are subject to a fifth degree felony for the same acts.¹⁴

- Standardizes the use of terminology that describes animal abuse acts related to depriving a companion animal of good, wholesome food and water and confining a companion animal without affording it with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight.¹⁵

HISTORY

Action	Date
Introduced	09-30-19

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¹⁴ R.C. 959.131(A)(7) and (8); also see R.C. 959.131(F) and (G).

¹⁵ R.C. 959.131(F)(2) and (3); also see R.C. 959.131(E)(2) and (3) and 959.131(G)(2) and (3).