



Ohio Legislative Service Commission

Bill Analysis

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Am. S.B. 195*

131st General Assembly
(As Reported by S. Criminal Justice)

Sens. Hughes and Hottinger, Yuko, LaRose, Williams

BILL SUMMARY

- Prohibits a person from knowingly: (1) engaging in, organizing, promoting, aiding, or abetting specified sex-related activities with an animal, or (2) possessing, selling, or purchasing an animal with the intent that it be subjected to those activities.
- Authorizes the seizure and impoundment of an animal that is the subject of a violation, or attempted violation, of either prohibition.
- Authorizes a court sentencing an offender for a violation of either prohibition to order the forfeiture of the animal or require the offender to undergo psychological evaluation or counseling.

CONTENT AND OPERATION

Prohibitions

The bill prohibits certain activities that pertain to sexual conduct with an animal. As used in the bill, "sexual conduct" means either of the following committed for the purpose of sexual gratification: (1) any act done between a person and animal that involves contact of the penis of one and the vulva of the other, the penis of one and the penis of the other, the penis of one and the anus of the other, the mouth of one and the penis of the other, the mouth of one and the anus of the other, the vulva of one and the vulva of the other, the mouth of one and the vulva of the other, any other contact between a reproductive organ of one and a reproductive organ of the other, or any other insertion of a reproductive organ of one into an orifice of the other, (2) without a

* This analysis was prepared before the report of the Senate Criminal Justice Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

bona fide veterinary or animal husbandry purpose to do so, the insertion, however slight, of any part of a person's body or any instrument, apparatus, or other object into the vaginal, anal, or reproductive opening of an animal. An animal is defined as a nonhuman mammal, bird, reptile, or amphibian, either dead or alive.¹

Specifically, the bill prohibits a person from knowingly (1) engaging in sexual conduct with an animal, (2) possessing, selling, or purchasing an animal with the intent that it be subjected to sexual conduct, or (3) organizing, promoting, aiding, or abetting in the conduct of an act involving any sexual conduct with an animal.²

Seizure and impoundment, and possible outcomes

Authorization

An officer may seize and cause to be impounded at an impounding agency an animal that the officer has probable cause to believe is the subject of a violation of the bill's provisions or an attempt to commit such a violation (an "offense"). The officers authorized to enforce the prohibitions are law enforcement officers, agents of a county humane society, or other persons appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution.³

Procedures subsequent to seizure and impoundment

The bill specifies that all procedures and requirements established under existing law for the seizure, impoundment, and disposition of seized companion animals apply to an animal seized and impounded by an officer for a violation of the sexual conduct prohibition. Some of the existing procedures include providing written notice of the seizure and impoundment to the owner or keeper of the animal; humane destruction of the animal if a licensed veterinarian determines it is necessary because the animal is suffering; a court hearing to determine whether the officer impounding the animal had probable cause to seize it; and a determination of whether the animal will be returned to the person.⁴

¹ R.C. 959.21(A).

² R.C. 959.21(B) and (C).

³ R.C. 959.21(D).

⁴ R.C. 959.21(D).

Penalties

A violation of any of the bill's prohibitions is a second degree misdemeanor. In addition, the court may order the offender to forfeit the animal and may provide for its disposition, including its sale. If an animal 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.⁵

Also, if the court has reason to believe that the offender 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.⁶

HISTORY

ACTION	DATE
Introduced	07-16-15
Reported, S. Criminal Justice	---

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⁵ R.C. 959.99(D).

⁶ R.C. 959.99(E)(6).

