

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 195

**Senators Hughes, Hottinger
Cosponsors: Senators Yuko, LaRose, Williams**

A BILL

To amend section 959.99 and to enact section 959.21
of the Revised Code to prohibit a person from
engaging in sexual conduct with an animal and
related acts, to provide for the seizure and
impoundment of an animal that is the subject of
a violation, and to authorize a sentencing court
to require an offender to undergo psychological
evaluation or counseling.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 959.99 be amended and section
959.21 of the Revised Code be enacted to read as follows:

Sec. 959.21. (A) As used in this section:

(1) "Animal" means a nonhuman mammal, bird, reptile, or
amphibian, either dead or alive.

(2) "Offense" means a violation of this section or an
attempt, in violation of section 2923.02 of the Revised Code, to
violate this section.

(3) "Officer" has the same meaning as in section 959.132

of the Revised Code. 18

(4) "Sexual conduct" means either of the following 19
committed for the purpose of sexual gratification: 20

(a) Any act done between a person and animal that involves 21
contact of the penis of one and the vulva of the other, the 22
penis of one and the penis of the other, the penis of one and 23
the anus of the other, the mouth of one and the penis of the 24
other, the mouth of one and the anus of the other, the vulva of 25
one and the vulva of the other, the mouth of one and the vulva 26
of the other, any other contact between a reproductive organ of 27
one and a reproductive organ of the other, or any other 28
insertion of a reproductive organ of one into an orifice of the 29
other; 30

(b) Without a bona fide veterinary or animal husbandry 31
purpose to do so, the insertion, however slight, of any part of 32
a person's body or any instrument, apparatus, or other object 33
into the vaginal, anal, or reproductive opening of an animal. 34

(B) No person shall knowingly engage in sexual conduct 35
with an animal or knowingly possess, sell, or purchase an animal 36
with the intent that it be subjected to sexual conduct. 37

(C) No person shall knowingly organize, promote, aid, or 38
abet in the conduct of an act involving any sexual conduct with 39
an animal. 40

(D) An officer may seize and cause to be impounded at an 41
impounding agency an animal that the officer has probable cause 42
to believe is the subject of an offense. With respect to an 43
animal so seized and impounded, all procedures and requirements 44
that are established in section 959.132 of the Revised Code, and 45
all other provisions of that section, apply to the seizure, 46

impoundment, and disposition of the animal, except that, for 47
purposes of the application under this section of those 48
procedures, requirements, and other provisions, both of the 49
following apply: 50

(1) References in section 959.132 of the Revised Code to 51
"companion animal" and "offense" shall be construed, 52
respectively, as being references to "animal" and "offense" as 53
defined in this section. 54

(2) References in section 959.132 of the Revised Code to 55
"section 959.131 of the Revised Code" shall be construed as 56
being references to "section 959.21 of the Revised Code." 57

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 58
of the Revised Code is guilty of a minor misdemeanor. 59

(B) Except as otherwise provided in this division, whoever 60
violates section 959.02 of the Revised Code is guilty of a 61
misdemeanor of the second degree. If the value of the animal 62
killed or the injury done amounts to three hundred dollars or 63
more, whoever violates section 959.02 of the Revised Code is 64
guilty of a misdemeanor of the first degree. 65

(C) Whoever violates section 959.03, 959.06, 959.12, 66
959.15, or 959.17 of the Revised Code is guilty of a misdemeanor 67
of the fourth degree. 68

(D) Whoever violates division (A) of section 959.13 or 69
section 959.21 of the Revised Code is guilty of a misdemeanor of 70
the second degree. In addition, the court may order the offender 71
to forfeit the animal or livestock and may provide for its 72
disposition, including, but not limited to, the sale of the 73
animal or livestock. If an animal or livestock is forfeited and 74
sold pursuant to this division, the proceeds from the sale first 75

shall be applied to pay the expenses incurred with regard to the 76
care of the animal from the time it was taken from the custody 77
of the former owner. The balance of the proceeds from the sale, 78
if any, shall be paid to the former owner of the animal. 79

(E) (1) Whoever violates division (B) of section 959.131 of 80
the Revised Code is guilty of a misdemeanor of the first degree 81
on a first offense and a felony of the fifth degree on each 82
subsequent offense. 83

(2) Whoever violates section 959.01 of the Revised Code or 84
division (C) of section 959.131 of the Revised Code is guilty of 85
a misdemeanor of the second degree on a first offense and a 86
misdemeanor of the first degree on each subsequent offense. 87

(3) Whoever violates division (D) of section 959.131 of 88
the Revised Code is guilty of a felony of the fifth degree. 89

(4) Whoever violates division (E) of section 959.131 of 90
the Revised Code is guilty of a misdemeanor of the first degree. 91

(5) (a) A court may order a person who is convicted of or 92
pleads guilty to a violation of section 959.131 of the Revised 93
Code to forfeit to an impounding agency, as defined in section 94
959.132 of the Revised Code, any or all of the companion animals 95
in that person's ownership or care. The court also may prohibit 96
or place limitations on the person's ability to own or care for 97
any companion animals for a specified or indefinite period of 98
time. 99

(b) A court may order a person who is convicted of or 100
pleads guilty to a violation of section 959.131 of the Revised 101
Code to reimburse an impounding agency for the reasonably 102
necessary costs incurred by the agency for the care of a 103
companion animal that the agency impounded as a result of the 104

investigation or prosecution of the violation, provided that the 105
costs were not otherwise paid under section 959.132 of the 106
Revised Code. 107

(6) If a court has reason to believe that a person who is 108
convicted of or pleads guilty to a violation of section 959.131 109
or 959.21 of the Revised Code suffers from a mental or emotional 110
disorder that contributed to the violation, the court may impose 111
as a community control sanction or as a condition of probation a 112
requirement that the offender undergo psychological evaluation 113
or counseling. The court shall order the offender to pay the 114
costs of the evaluation or counseling. 115

(F) Whoever violates section 959.14 of the Revised Code is 116
guilty of a misdemeanor of the second degree on a first offense 117
and a misdemeanor of the first degree on each subsequent 118
offense. 119

(G) Whoever violates section 959.05 or 959.20 of the 120
Revised Code is guilty of a misdemeanor of the first degree. 121

(H) Whoever violates section 959.16 of the Revised Code is 122
guilty of a felony of the fourth degree for a first offense and 123
a felony of the third degree on each subsequent offense. 124

Section 2. That existing section 959.99 of the Revised 125
Code is hereby repealed. 126