

**As Reported by the Senate Criminal Justice Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. S. B. No. 195**

**Senators Hughes, Hottinger**

**Cosponsors: Senators Yuko, LaRose, Williams, Eklund**

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**A BILL**

To amend section 959.99 and to enact section 959.21 1  
of the Revised Code to prohibit a person from 2  
engaging in sexual conduct with an animal and 3  
related acts, to provide for the seizure and 4  
impoundment of an animal that is the subject of 5  
a violation, and to authorize a sentencing court 6  
to require an offender to undergo psychological 7  
evaluation or counseling. 8

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

**Section 1.** That section 959.99 be amended and section 9  
959.21 of the Revised Code be enacted to read as follows: 10

**Sec. 959.21.** (A) As used in this section: 11

(1) "Animal" means a nonhuman mammal, bird, reptile, or 12  
amphibian, either dead or alive. 13

(2) "Offense" means a violation of this section or an 14  
attempt, in violation of section 2923.02 of the Revised Code, to 15  
violate this section. 16

(3) "Officer" has the same meaning as in section 959.132 17

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. References in 47  
section 959.132 of the Revised Code to "section 959.131 of the 48  
Revised Code," "companion animal," and "offense" shall be 49  
construed, respectively, as being references to "section 959.21 50  
of the Revised Code" and to "animal" and "offense" as defined in 51  
this section, for purposes of application under this section 52  
only. 53

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 54  
of the Revised Code is guilty of a minor misdemeanor. 55

(B) Except as otherwise provided in this division, whoever 56  
violates section 959.02 of the Revised Code is guilty of a 57  
misdemeanor of the second degree. If the value of the animal 58  
killed or the injury done amounts to three hundred dollars or 59  
more, whoever violates section 959.02 of the Revised Code is 60  
guilty of a misdemeanor of the first degree. 61

(C) Whoever violates section 959.03, 959.06, 959.12, 62  
959.15, or 959.17 of the Revised Code is guilty of a misdemeanor 63  
of the fourth degree. 64

(D) Whoever violates section 959.21 or division (A) of 65  
section 959.13 of the Revised Code is guilty of a misdemeanor of 66  
the second degree. In addition, the court may order the offender 67  
to forfeit the animal or livestock and may provide for its 68  
disposition, including, but not limited to, the sale of the 69  
animal or livestock. If an animal or livestock is forfeited and 70  
sold pursuant to this division, the proceeds from the sale first 71  
shall be applied to pay the expenses incurred with regard to the 72  
care of the animal from the time it was taken from the custody 73  
of the former owner. The balance of the proceeds from the sale, 74  
if any, shall be paid to the former owner of the animal. 75

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

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

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

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

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

(b) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code.

(6) If a court has reason to believe that a person who is

convicted of or pleads guilty to a violation of section 959.131 105  
or 959.21 of the Revised Code suffers from a mental or emotional 106  
disorder that contributed to the violation, the court may impose 107  
as a community control sanction or as a condition of probation a 108  
requirement that the offender undergo psychological evaluation 109  
or counseling. The court shall order the offender to pay the 110  
costs of the evaluation or counseling. 111

(F) Whoever violates section 959.14 of the Revised Code is 112  
guilty of a misdemeanor of the second degree on a first offense 113  
and a misdemeanor of the first degree on each subsequent 114  
offense. 115

(G) Whoever violates section 959.05 or 959.20 of the 116  
Revised Code is guilty of a misdemeanor of the first degree. 117

(H) Whoever violates section 959.16 of the Revised Code is 118  
guilty of a felony of the fourth degree for a first offense and 119  
a felony of the third degree on each subsequent offense. 120

**Section 2.** That existing section 959.99 of the Revised 121  
Code is hereby repealed. 122