

The National Agricultural  
Law Center



University of Arkansas School of Law

An Agricultural Law Research Project

## **States' Animal Cruelty Statutes**

**State of Ohio**

[www.NationalAgLawCenter.org](http://www.NationalAgLawCenter.org)



UNIVERSITY of ARKANSAS  
SCHOOL of LAW

## States' Animal Cruelty Statutes

### STATE OF OHIO

*Current through 2010 Files 1 to 37, 39, and 41 to 42, of the 128th GA (2009-2010), apv. 6/9/10, and filed with the Secretary of State by 6/10/10.*

#### **959.01 Abandoning animals**

No owner or keeper of a dog, cat, or other domestic animal, shall abandon such animal.

#### **959.02 Injuring animals**

No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a horse, mare, foal, filly, jack, mule, sheep, goat, cow, steer, bull, heifer, ass, ox, swine, dog, cat, or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity.

#### **959.03 Poisoning animals**

No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a horse, mare, foal, filly, jack, mule, sheep, goat, cow, steer, bull, heifer, ass, ox, swine, dog, cat, poultry, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another.

#### **959.04 Trespassing animals**

Sections 959.02 and 959.03 of the Revised Code do not extend to a person killing or injuring an animal or attempting to do so while endeavoring to prevent it from trespassing upon his enclosure, or while it is so trespassing, or while driving it away from his premises; provided within fifteen days thereafter, payment is made for damages done to such animal by such killing or injuring, less the actual amount of damage done by such animal while so trespassing, or a sufficient sum of money is deposited with the nearest judge of a county court or judge of a municipal court having jurisdiction within such time to cover such damages. Such deposit shall remain in the custody of such judge until there is a determination of the damages resulting from such killing or injury and from such trespass. Such judge and his bondsmen shall be responsible for the safekeeping of such money and for the payment thereof as for money collected upon a judgment.

#### **959.05 Drugging animals entered in competition prohibited**

No person shall administer to any animal within forty-eight hours prior to the time that the animal competes at a fair or exhibition conducted by a county or independent agricultural society authorized under Chapter 1711. of the Revised Code or by the Ohio expositions commission any drug or medicament not specifically permitted under rules of the state racing

commission promulgated pursuant to Chapter 3769. of the Revised Code or under rules of the society, in respect to a county or independent agricultural society, or of the Ohio expositions commission, in respect to the Ohio state fair. This section does not apply to any horse racing meeting conducted under a permit issued pursuant to Chapter 3769. of the Revised Code.

#### **959.06 Painless destruction of domestic animals**

(A) No person shall destroy any domestic animal by the use of a high altitude decompression chamber or by any method other than a method that immediately and painlessly renders the domestic animal initially unconscious and subsequently dead.

(B) This section does not apply to or prohibit the slaughtering of livestock under Chapter 945. of the Revised Code, or the taking of any wild animal, as defined in section 1531.01 of the Revised Code, when taken in accordance with Chapter 1533. of the Revised Code.

#### **Specific Offenses**

##### **959.12 Alteration of brands**

No person shall maliciously alter or deface an artificial earmark or brand upon a horse, mare, foal, filly, jack, mule, sheep, goat, cow, steer, bull, heifer, ass, ox, swine, that is the property of another.

##### **959.13 Cruelty to animals**

(A) No person shall:

- (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;
- (2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. Division (A)(2) of this section does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, shelter means a man-made enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development, or vegetation.
- (3) Carry or convey an animal in a cruel or inhuman manner;
- (4) Keep animals other than cattle, poultry or fowl, swine, sheep, or goats in an enclosure without wholesome exercise and change of air, nor or [sic.] feed cows on food that produces impure or unwholesome milk;
- (5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water, and attention, nor permit such stock to be so crowded as to overlie, crush, wound, or kill each other.

(B) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water, and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(C) All fines collected for violations of this section shall be paid to the society or association for the prevention of cruelty to animals, if there be such in the county, township, or municipal corporation where such violation occurred.

### **959.131 Cruelty against companion animal**

(A) As used in this section:

- (1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.
- (2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code.
- (3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.
- (5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code.
- (6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(C) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;
- (2) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.

(D) Divisions (B) and (C) of this section do not apply to any of the following:

- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
- (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Chapter 4741. of the Revised Code;
- (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
- (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
- (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Chapter 4741. of the Revised Code.

(E) Notwithstanding any section of the Revised Code that otherwise provides for the distribution of fine moneys, the clerk of court shall forward all fines the clerk collects

that are so imposed for any violation of this section to the treasurer of the political subdivision or the state, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The treasurer to whom the fines are forwarded shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys to provide the training that is required for humane agents under section 1717.06 of the Revised Code.

**959.132 Impoundment of companion animal; written request for hearing; deposit to cover costs**

(A) As used in this section:

(1) "Agent of a county humane society" means a person appointed by a county humane society pursuant to section 1717.06 of the Revised Code.

(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(3) "Impounding agency" means the county humane society, animal shelter, or law enforcement agency that, in accordance with division (B) or (C) of this section, either has impounded a companion animal or has made regular visits to the place where a companion animal is kept to determine whether it is provided with necessities.

(4) "Officer" means any law enforcement officer, agent of a county humane society, dog warden, assistant dog warden, or other person appointed to act as an animal control officer for a county, municipal corporation, or township in accordance with state law, an ordinance, or a resolution.

(B) Except as otherwise provided in this division, an officer may impound a companion animal if the officer has probable cause to believe that it or other companion animals that are kept by the same person on the premises are the subject of a violation of section 959.131 of the Revised Code and if the officer has lawful access to the companion animal at the time of the impoundment. The officer shall give written notice of the impoundment by posting the notice on the door of the residence on the premises at which the companion animal was impounded, by giving it in person to the owner, custodian, or caretaker of the companion animal, or by otherwise posting the notice in a conspicuous place on the premises where the companion animal was seized. No officer or impounding agency shall impound a companion animal that is the subject of a violation of section 959.131 of the Revised Code in a shelter owned, operated, or controlled by a board of county commissioners pursuant to Chapter 955. of the Revised Code unless the board, by resolution, authorizes the impoundment of companion animals in a shelter owned, operated, or controlled by that board and has executed, in the case when the officer is other than a dog warden or assistant dog warden, a contract specifying the terms and conditions of the impoundment.

(C) If charges are filed under section 959.131 of the Revised Code against the custodian or caretaker of a companion animal, but the companion animal that is the subject of the charges is not impounded, the court in which the charges are pending may order the owner or person having custody of the companion animal to provide to the companion animal the necessities described in divisions (C)(2) to (6) of section 959.131 of the Revised Code until the final disposition of the charges. If the court issues an order of that nature, the court also may authorize an officer or another person to visit the place where the companion animal is being kept, at the times and under the conditions that the court may set, to determine whether the companion animal is receiving those necessities and to remove and impound the companion animal if the companion animal is not receiving those necessities.

(D) An owner, custodian, or caretaker of one or more companion animals that have been impounded under this section may file a written request for a hearing with the clerk of the court in which charges are pending that were filed under section 959.131 of the Revised Code and that involve the impounded companion animals. If a hearing is requested, the court shall conduct a hearing not later than twenty-one days following receipt of the request. At the hearing, the impounding agency has the burden of proving by a preponderance of the evidence that probable cause exists to find that the defendant is guilty of a violation of section 959.131 of the Revised Code, unless probable cause has previously been established in a judicial proceeding, in which case the court shall take notice that probable cause exists and shall not require further proof of probable cause. A hearing that is conducted under division (D) of this section shall be combined whenever possible with any hearing involving the same pending charges that is authorized and conducted under division (E) of this section.

If the court finds at the conclusion of the hearing that probable cause does not exist for finding that the defendant committed a violation and that the defendant otherwise has a right to possession of the impounded companion animals, the court shall order the animals to be returned to the defendant.

If the court finds at the conclusion of the hearing that probable cause exists for finding the defendant guilty of a violation with respect to one or more of the impounded companion animals, the court shall do one of the following with respect to each impounded companion animal:

- (1) Allow the impounding agency to retain custody of the companion animal pending resolution of the underlying charges;
- (2) Order the companion animal to be returned to the defendant under any conditions and restrictions that the court determines are appropriate to ensure that the companion animal receives humane and adequate care and treatment.

(E)(1) At any time that one or more charges are pending under section 959.131 of the Revised Code, an impounding agency may file a motion in the court in which the charges are pending requesting that the defendant post a deposit to cover the costs of caring, during the pendency of the charges, for any impounded companion animals seized or removed from the defendant's custody if the reasonably necessary projected costs of the care that will be provided prior to the final resolution of the charges are estimated to be in excess of one thousand five hundred dollars. The motion shall be accompanied by an affidavit that sets forth an estimate of the reasonably necessary costs that the impounding agency expects to incur in providing that care, which may include, but are not limited to, the necessary cost of veterinary care, medications, food, water, and board for the companion animals during the pendency of the charges.

(2) Within ten days after the date on which a motion is filed under division (E)(1) of this section, the court shall conduct a hearing. Except as otherwise provided in division (E)(5) of this section, at the hearing, the impounding agency has the burden of proving by a preponderance of the evidence that there is probable cause to find that the defendant is guilty of a violation of section 959.131 of the Revised Code, unless probable cause has previously been established in a judicial proceeding, in which case the court shall take notice that probable cause exists and shall not require further proof of probable cause, and that the reasonably necessary cumulative costs of caring during the pendency of the charges for the companion animals seized or removed from the defendant's custody or control are reasonably projected to exceed one thousand five hundred dollars.

(3) If the court finds at the conclusion of the hearing that probable cause does not exist for finding that the defendant committed a violation of section 959.131 of the Revised Code and that the defendant otherwise has a right to possession of the companion animals, the court shall order the animals to be returned to the defendant. If the court finds at the conclusion of the hearing that probable cause exists for finding that the defendant committed a violation of

that section, but that the reasonably necessary costs for caring during the pendency of the charges for the companion animals seized or removed from the defendant's custody or control are reasonably projected to be one thousand five hundred dollars or less, the court shall deny the petitioner's motion to require the defendant to pay a deposit.

If the court finds at the conclusion of the hearing that probable cause exists for finding the defendant guilty of the violation with respect to one or more of the impounded companion animals and for determining that the reasonably necessary projected costs of caring for the companion animals exceed one thousand five hundred dollars during the pendency of the charges, the court shall do one of the following:

- (a) Order the defendant to post a deposit with the clerk of the court in a form and in an amount that the court determines is sufficient to cover the cost of care of the companion animals from the date of impoundment until the date of the disposition of the charges;
- (b) Order one or more of the companion animals to be returned to the defendant under any conditions and restrictions that the court determines to be appropriate to ensure that the companion animals receive humane and adequate care and treatment;
- (c) Deny the motion of the impounding agency requesting the defendant to post a deposit, but permit the impounding agency to retain custody of one or more of the companion animals pending resolution of the underlying charges.

(4) The court may order the defendant to forfeit the right of possession and ownership in one or more of the companion animals to the impounding agency if the defendant fails to comply with the conditions set forth in an order of the court that is rendered under division (E)(3) of this section. If the order that was not complied with required the defendant to post a deposit, forfeiture of the companion animals relieves the defendant of any further obligation to post the deposit.

(5)(a) A hearing that is conducted under division (D) of this section shall be combined whenever possible with any hearing involving the same pending charges that is authorized and conducted under division (E) of this section. However, division (E)(5)(b) of this section applies when both of the hearings are conducted and combining them is not possible.

(b) At a hearing conducted under division (E) of this section, an impounding agency shall not be required to prove that there is probable cause to find that the defendant is guilty of a violation of section 959.131 of the Revised Code if the court already has made a finding concerning probable cause at a separate hearing conducted under division (D) of this section. In such an event, the probable cause finding made at the hearing conducted under division (D) of this section shall be used for purposes of the hearing conducted under division (E) of this section.

(F)(1) If the defendant is found guilty of violating section 959.131 of the Revised Code or any other offense relating to the care or treatment of a companion animal and the defendant posted a deposit pursuant to division (E) of this section, the court shall determine the amount of the reasonably necessary costs that the impounding agency incurred in caring for the companion animal during the pendency of the charges. The court shall order the clerk of the court to pay that amount of the deposit to the impounding agency and to dispose of any amount of the deposit that exceeds that amount in the following order:

- (a) Pay any fine imposed on the defendant relative to the violation;
- (b) Pay any costs ordered against the defendant relative to the violation;
- (c) Return any remaining amount to the defendant.

(2) If the defendant is found not guilty of violating section 959.131 of the Revised Code or any other offense relating to the care or treatment of a companion animal, the court shall order the clerk of court to return the entire amount of the deposit to the defendant, and the impounding

agency shall return the companion animal to the defendant. If the companion animal cannot be returned, the court shall order the impounding agency to pay to the defendant an amount determined by the court to be equal to the reasonable market value of the companion animal at the time that it was impounded plus statutory interest as defined in section 1343.03 of the Revised Code from the date of the impoundment. In determining the reasonable market value of the companion animal, the court may consider the condition of the companion animal at the time that the companion animal was impounded and any change in the condition of the companion animal after it was impounded.

(G) An impounding agency that impounds a companion animal under this section shall pay a person who provides veterinary care to the companion animal during the impoundment for the cost of the veterinary care regardless of whether the impounding agency is reimbursed for the payment under this section or section 959.99 of the Revised Code.

#### **959.14 Horse tails**

No owner or person having the custody, control, or possession of a horse, mare, gelding, foal, or filly, nor an agent or employee of such owner or custodian, shall cut off or cause to be cut off or amputated the skin, flesh, muscles, bone, or integuments of the dock or tail thereof, in order to shorten its natural length or proportions; nor shall any such owner, person, or the agent or employee of either pull out the hairs of the foretop, mane, or withers thereof. This section does not prohibit the cutting or amputation of the dock or tail of a horse, mare, gelding, foal, or filly when necessary because of accident, malformation, or disease affecting such dock or tail.

#### **959.15 Animal fights**

No person shall knowingly engage in or be employed at cockfighting, bearbaiting, or pitting an animal against another; no person shall receive money for the admission of another to a place kept for such purpose; no person shall use, train, or possess any animal for seizing, detaining, or maltreating a domestic animal. Any person who knowingly purchases a ticket of admission to such place, or is present thereat, or witnesses such spectacle, is an aider and abettor.

#### **959.16 Dogfighting**

(A) No person shall knowingly do any of the following:

- (1) Promote, engage in, or be employed at dogfighting;
- (2) Receive money for the admission of another person to a place kept for dogfighting;
- (3) Sell, purchase, possess, or train a dog for dogfighting;
- (4) Use, train, or possess a dog for seizing, detaining, or maltreating a domestic animal;
- (5) Purchase a ticket of admission to or be present at a dogfight;
- (6) Witness a dogfight if it is presented as a public spectacle.

(B) The department of agriculture may investigate complaints and follow up rumors of dogfighting activities and may report any information so gathered to an appropriate prosecutor or law enforcement agency.

(C) Any peace officer, as defined in section 2935.01 of the Revised Code, shall confiscate any dogs that have been, are, or are intended to be used in dogfighting and any equipment or devices used in training such dogs or as part of dogfights.

#### **959.17 Trapshooting**

Live birds or fowl shall not be used as targets in trapshooting.

### **959.18 Prohibition against killing a carrier pigeon**

No person who is not the owner thereof, shall shoot, kill, or maim an Antwerp or homing pigeon, commonly known as "carrier" pigeon, nor shall such person entrap, catch, or detain a carrier pigeon, provided it has the name of the owner stamped upon its wing or tail, or has a band with the owner's name, initial, or number on its leg.

### **959.19 Prohibition against servicing mare in public street**

No owner of a stallion or jack or the agent of such owner, shall permit it to serve a mare within thirty feet of a public street or alley in a municipal corporation.

### **959.20 Definitions**

As used in this section:

- (A) "Work animal" includes a horse, pony, mule, donkey, mare, ox, bull, gelding, or other animal used or intended to be used for a work purpose.
- (B) "Work purpose" means the performance by a work animal of some work or labor, including showing, performing, or being used in any exhibition, show, circus, rodeo, or similar use.
- (C) "Owner" includes any person, firm, association, or corporation owning or having a proprietary interest in or possession, custody, or charge of a work animal.

No person shall directly or indirectly or by aiding, abetting, or permitting the doing thereof put, place, fasten, use, or fix upon or to any work animal used or readied for use for a work purpose, twisted wire snaffles, unpadded bucking straps, unpadded flank straps, electric or other prods, or similar devices.

The commission or performance of any act prohibited by this section is the act of the owner of the work animal upon or to which such act was done.

### **Penalties**

#### **959.99 Penalties; forfeiture of animals or livestock; forfeiture of companion animals**

- (A) Whoever violates section 959.18 or 959.19 of the Revised Code is guilty of a minor misdemeanor.
- (B) Except as otherwise provided in this division, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars or more, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the first degree.
- (C) Whoever violates section 959.03, 959.06, 959.12, 959.15, or 959.17 of the Revised Code is guilty of a misdemeanor of the fourth degree.
- (D) Whoever violates division (A) of section 959.13 of the Revised Code is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall 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, shall be paid to the former owner of the animal.

(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)(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.

(4) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code 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 shall order the offender to pay the costs of the evaluation or counseling.

(F) Whoever violates section 959.14 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.

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

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