



Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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Protecting Ohioans’ Best Friends: An Overview of Ohio’s Companion Animal Abuse Law

Legislators, interested parties, and concerned citizens have worked hard over the past few decades to protect companion animals (dogs, cats, or any animal kept inside a residential dwelling) in Ohio from violent abuse. Prior to 2003, an act of cruelty against a companion animal in Ohio resulted in a 2nd degree misdemeanor with a possible sentence of up to 90 days in jail and up to a \$750 fine. Since then, the General Assembly has increased penalties for committing acts of cruelty against companion animals, such as torturing, needlessly killing, and depriving a companion animal of food and shelter. The legislature also has expanded the Companion Animal Abuse Law to include more prohibitions, giving prosecutors more discretion when dealing with offenders.

This brief discusses Ohio’s prohibitions against and penalties for companion animal cruelty, beginning with an overview of the law’s evolution.

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Companion animals

As reported by some historians, the phrase “man’s best friend” is attributable to Frederick William II, King of Prussia, when, referring to one of his Italian Greyhounds, he stated:

[T]he only, absolute and best friend that a man has, in this selfish world, the only one that will not betray or deny him, is his Dog.¹

For centuries, dogs, cats, and other domestic animals have enriched the lives of families across the world. However, there are those who hurt our best friends. Throughout the country, states have enacted legislation to protect companion animals (in Ohio, defined as a dog or cat regardless of where it is kept and any other animal that is kept inside a residential dwelling)² and punish those who harm them.

Evolution of Ohio's companion animal protection laws

2003: S.B. 221 of the 124th General Assembly

Prior to 2003, Ohio law treated those who committed acts of cruelty against a companion animal the same as if the person committed an act of cruelty against any other type of animal. Cruelty against *any* animal was a 2nd degree misdemeanor. That meant that if a person knowingly tortured and killed their dog or cat, the person could be sentenced to a maximum of 90 days in jail and pay up to a \$750 fine.³ However, in late 2002, the 124th General Assembly passed S.B. 221, which increased animal cruelty penalties if the animal involved is a companion animal. The law took effect in April 2003.

2013: Nitro's Law

During the 130th General Assembly, the House passed H.B. 90, "Nitro's Law." The provisions of that bill subsequently were incorporated into H.B. 59 (the biennial budget act) and took effect on September 29, 2013. The law was named for Nitro, a Rottweiler whose care was entrusted to a training and boarding kennel owner in Youngstown in 2008. While at this facility, Nitro, along with eight other dogs, were starved to death. Eleven other dogs suffered from extreme starvation when found by authorities.⁴ The kennel owner was convicted of four violations of Ohio's animal cruelty laws, all of which were misdemeanors, and was sentenced to a total of four months in jail. In the aftermath of this tragedy, Nitro's owners began lobbying General Assembly members to increase penalties for dog kennel owners who commit acts of cruelty against companion animals. Nitro's



¹ See Wikipedia, "[Man's best friend](https://en.wikipedia.org/wiki/Man%27s_best_friend)," available at en.wikipedia.org; PIJAC Canada, "[How the dog became man's best friend](https://www.pijaccanada.com/news/how-the-dog-became-man-s-best-friend)" (December 9, 2020), available at [pijaccanada.com](https://www.pijaccanada.com); and Gosbi, "[History of the phrase 'The dog is the man's best friend'](https://www.gosbi.com/history-of-the-phrase-the-dog-is-the-man-s-best-friend)" (July 30, 2017), available at [gosbi.com](https://www.gosbi.com).

² R.C. 959.131(A)(1).

³ R.C. 2929.24(A)(2) and 2929.28(A)(2)(a)(ii).

⁴ See Animal Welfare Institute, "[Tragedy at Ohio Kennel Prompts Passage of 'Nitro's Law'](https://www.awionline.org/news/tragedy-at-ohio-kennel-prompts-passage-of-nitro-s-law)" (Fall 2013), which is available by conducting a keyword search for "Nitro" on the Institute's website, [awionline.org](https://www.awionline.org). Image used by permission of Elizabeth Raab.

Law made knowingly committing certain acts of cruelty a 5th degree felony if committed by an owner, manager, or employee of a dog kennel.

2016: Goddard's Law

The next major change occurred during the 131st General Assembly, when lawmakers enacted H.B. 60, "Goddard's Law." Effective September 16, 2016, Goddard's Law gave prosecutors the choice, depending on the facts of the case, whether to charge a person accused of companion animal cruelty with either the already established 1st degree misdemeanor prohibition or a new 5th degree felony prohibition for causing "serious physical harm" to a companion animal.

The act was named for Dick Goddard, a television meteorologist, author, cartoonist, and animal activist from Akron.

While this legislation made causing serious physical harm to a companion animal a 5th degree felony, it did not label it an offense of violence for sentencing purposes or exempt the crime from the law requiring courts to sentence offenders to a community control sanction in lieu of prison time for 4th and 5th degree felonies. Therefore, unless an offender meets certain criteria (e.g., repeat offender, etc.), the courts likely will sentence the offender to a community control sanction in lieu of prison time.⁵

Animal cruelty law evolution – Timeline

Here are some key takeaways from the legislation discussed above.

2003: S.B. 221

Made knowingly committing an act of cruelty against a companion animal a 1st degree misdemeanor on the first offense and a 5th degree felony on each subsequent offense.

2013: Nitro's Law

Made knowingly committing certain acts of cruelty a 5th degree felony if the acts were committed by an owner, manager, or employee of a dog kennel.

2016: Goddard's Law

Made knowingly causing serious physical harm (including physical harm that carries an unnecessary or unjustifiable substantial risk of death) to a companion animal a 5th degree felony.

⁵ See R.C. 2929.13(B).

Current law

While some of the technical language for various offenses has been altered over the years, Ohio's current law governing companion animal cruelty is a culmination of the 2003, 2013, and 2016 law changes. The following chart depicts all of Ohio's current prohibitions and corresponding penalties for companion animal cruelty offenses:⁶

Current Companion Animal Cruelty Offenses				
Actor	Prohibition	Mental State	Penalty	Resulting Jail/Prison Time and Fine
Any person	Causing serious physical harm to a companion animal, which is: <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. 	Knowingly	5 th degree felony*	Up to 12 months in prison and up to a \$2,500 fine
Any person	Torturing, tormenting, needlessly mutilating or maiming, cruelly beating, poisoning, needlessly killing, or committing an act of cruelty against a companion animal.	Knowingly	1 st degree misdemeanor on the first offense and a 5 th degree felony on each subsequent offense*	Up to 180 days in jail and up to a \$1,000 fine for a 1 st degree misdemeanor Up to 12 months in

⁶ For prohibitions, see R.C. 959.131. For penalties, see R.C. 959.99(E). For misdemeanor jail sentencing, see R.C. 2929.24(A). For misdemeanor fines, see R.C. 2929.28(A)(2)(a). For felony prison sentencing, see R.C. 2929.14(A)(5). For felony fines, see R.C. 2929.18(A)(3).

Current Companion Animal Cruelty Offenses				
Actor	Prohibition	Mental State	Penalty	Resulting Jail/Prison Time and Fine
				prison and up to a \$2,500 fine for a 5 th degree felony
A person who confines or who is the custodian or caretaker of a companion animal (“caretaker”)	Torturing, tormenting, or committing an act of cruelty against the companion animal.	Negligently	2 nd degree misdemeanor on a first offense and a 1 st degree misdemeanor on each subsequent offense	Up to 90 days in jail and up to a \$750 fine for a 2 nd degree misdemeanor Up to 180 days in jail and up to a \$1,000 fine for a 1 st degree misdemeanor
Caretaker	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 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 or confinement.	Negligently	2 nd degree misdemeanor on a first offense and a 1 st degree misdemeanor on each subsequent offense	Up to 90 days in jail and up to a \$750 fine for a 2 nd degree misdemeanor Up to 180 days in jail and up to a \$1,000 fine for a 1 st degree misdemeanor
Caretaker	Impounding or confining 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	Negligently	2 nd degree misdemeanor on a first offense and a 1 st degree misdemeanor on each	Up to 90 days in jail and up to a \$750 fine for a 2 nd degree misdemeanor

Current Companion Animal Cruelty Offenses				
Actor	Prohibition	Mental State	Penalty	Resulting Jail/Prison Time and Fine
	any other way as a result of or due to the lack of adequate shelter.		subsequent offense	Up to 180 days in jail and up to a \$1,000 fine for a 1 st degree misdemeanor
Owner, manager, or employee of a dog kennel (“dog kennel employee”)	Torturing, tormenting, needlessly mutilating or maiming, cruelly beating, poisoning, needlessly killing, or committing an act of cruelty against the companion animal.	Knowingly	5 th degree felony*	Up to 12 months in prison and up to a \$2,500 fine
Dog kennel employee	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 if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of the deprivation or confinement.	Knowingly	5 th degree felony*	Up to 12 months in prison and up to a \$2,500 fine
Dog kennel employee	Impounding or confining 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 is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.	Knowingly	5 th degree felony*	Up to 12 months in prison and up to a \$2,500 fine
Dog kennel employee	Torturing, tormenting, needlessly mutilating or maiming, cruelly beating, poisoning, needlessly killing, or committing an act of cruelty against the companion animal.	Negligently	1 st degree misdemeanor	Up to 180 days in jail and up to a \$1,000 fine
Dog kennel employee	Depriving the companion animal of necessary sustenance or confining the companion animal without supplying it during the confinement with	Negligently	1 st degree misdemeanor	Up to 180 days in jail

Current Companion Animal Cruelty Offenses				
Actor	Prohibition	Mental State	Penalty	Resulting Jail/Prison Time and Fine
	sufficient quantities of good, wholesome food and water if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of the deprivation or confinement.			and up to a \$1,000 fine
Dog kennel employee	Impounding or confining 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 is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.	Negligently	1 st degree misdemeanor	Up to 180 days in jail and up to a \$1,000 fine

*Note: regarding 5th degree companion animal cruelty felonies, there is a presumption against prison time. Therefore, generally, a court must sentence an offender to community control sanctions if (1) the offender did not have a prior felony at the time of the offense or a prior misdemeanor offense of violence within two years of the offense, and (2) the most serious charge against the offender at the time of sentencing is a 4th or 5th degree felony.⁷

Additional penalties

In addition to the felony or misdemeanor penalties described above, a court may order a person who is convicted of or pleads guilty to a companion animal cruelty violation to forfeit to an impounding agency (i.e., county humane society) 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.

If the court orders a violator's companion animal or animals to be forfeited to an impounding agency, the court also may order the person to reimburse the agency for the agency's reasonable and necessary costs for the animal's care.

If a court has reason to believe that a person who is convicted of or pleads guilty to an animal cruelty violation 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.⁸

Exemptions

Ohio law exempts the following from the law governing companion animal cruelty:

⁷ R.C. 2929.13(B)(1)(a).

⁸ R.C. 959.99(E)(6) and (7).

- A companion animal used in scientific research conducted by an institution in accordance with the federal Animal Welfare Act and related regulations;
- The lawful practice of veterinary medicine by a person who has a license, temporary permit, or registration certificate to do so under Ohio law;
- 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;
- The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for training animals; and
- Administering medicine to a companion animal that was properly prescribed by a person who has a license, temporary permit, or registration certificate under Ohio Veterinarian Law.⁹

⁹ R.C. 959.131(G).