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H.B. 351*
135th General Assembly

Bill Analysis

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Version: As Reported by House Criminal Justice

Primary Sponsor: Rep. T. Young

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SUMMARY

- Prohibits a person from knowingly treating a companion animal corpse in a way that would outrage reasonable community sensibilities.
- Specifies that a person who violates the prohibition is guilty of a first degree misdemeanor on a first offense and a fifth degree felony on a second and any subsequent offense and, in addition to other potential penalties, requires the offender to undergo psychological evaluation or counseling.

DETAILED ANALYSIS

Abuse of a companion animal corpse

The bill prohibits a person from knowingly treating a companion animal corpse in a way that would outrage reasonable community sensibilities unless authorized by law.¹ Under the bill, a companion animal is a dog, cat, or any animal that is kept inside a residential dwelling (it does not include livestock or any wild animal).²

The bill applies certain existing exemptions that pertain to the laws governing animal abuse to the new prohibition. Most applicably, the prohibition does not apply to either 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; and

* This analysis was prepared before the report of the House Criminal Justice Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ R.C. 959.131(H).

² R.C. 959.131(A)(1).

2. The lawful practice of veterinary medicine by a licensed person.³

The bill specifies that a person who violates the above prohibition is guilty of a first degree misdemeanor on a first offense and a fifth degree felony on a second and any subsequent offense.⁴ A first degree misdemeanor is generally punishable by a jail term of up to 180 days⁵ and a fine of up to \$1,000.⁶ A fifth degree felony is generally punishable by a prison term of six to twelve months⁷ and a fine of up to \$2,500.⁸

Additionally, if a person is convicted of or pleads guilty to the violation, a court must impose a requirement that the offender undergo psychological evaluation or counseling in addition to any other criminal penalty. The court must order the offender to pay the costs of the evaluation or counseling.⁹

HISTORY

| Action | Date |
|-------------------------------|----------|
| Introduced | 12-04-23 |
| Reported, H. Criminal Justice | --- |

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³ R.C. 959.131(I).

⁴ R.C. 959.99(E)(6).

⁵ R.C. 2929.24(A)(1), not in the bill.

⁶ R.C. 2929.28(A)(2)(a)(i), not in the bill.

⁷ R.C. 2929.14(A)(5), not in the bill.

⁸ R.C. 2929.18(A)(3)(e), not in the bill.

⁹ R.C. 959.99(E)(6).