

## Summary of Modifications to “Goddard’s Law” – Ohio House Bill 60 as Amended

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HB 274, the original “Goddard’s Law,” died in the 130<sup>th</sup> Senate. It was re-introduced in 2015 as HB 60 and amended in the House.

<u>CRIMINAL ACT</u>		<u>DEGREE OF CRIME</u>		
<u>ORC §959.131 Section</u>	<u>Criminal Act Against A Companion Animal</u>	<u>Existing Law (2016)</u>	<u>Original Goddard’s Law (HB 274)</u>	<u>CURRENT Goddard’s Law (HB 60)</u>
<b>B</b>	A person knowingly causes “cruelty”	M-1, enhanced to F-5 on 2 <sup>nd</sup> offense	If animal dies: F-5 Otherwise: M-1, F-5 on 2 <sup>nd</sup> offense	No change to existing law
<b>“B”</b> (HB 60: C)	A person knowingly causes “serious physical harm to animals”	M-1, enhanced to F-5 on 2 <sup>nd</sup> offense	If animal dies: F-5 (Creates new section)	F-5 (Creates new section)
<b>C1-4</b> (HB 60: D1)	A custodian/caretaker negligently causes “cruelty”	M-2, enhanced to M-1 on 2 <sup>nd</sup> offense	If animal dies: F-5 Otherwise: M-2, M-1 on 2 <sup>nd</sup> offense	No change to existing law
<b>C5</b> (HB 60: D2)	A custodian/caretaker negligently fails to provide food or water	M-2, enhanced to M-1 on 2 <sup>nd</sup> offense	If animal dies: F-5 Otherwise: M-2, M-1 on 2 <sup>nd</sup> offense	No change to existing law
<b>C5</b> (HB 60: D3)	A custodian/caretaker negligently fails to provide shelter	M-2, enhanced to M-1 on 2 <sup>nd</sup> offense	If animal dies: F-5 Otherwise: M-2, M-1 on 2 <sup>nd</sup> offense	No change to existing law
<b>D1</b> (HB 60: E1)	A kennel owner/worker knowingly causes “cruelty”	F-5	No change to existing law (offense is already F-5)	No change to existing law
<b>D2</b> (HB 60: E2)	A kennel owner/worker knowingly fails to provide food or water	F-5	No change to existing law (offense is already F-5)	No change to existing law
<b>D2</b> (HB 60: E3)	A kennel owner/worker knowingly fails to provide shelter	F-5	No change to existing law (offense is already F-5)	No change to existing law
<b>E1-4</b> (HB 60: F1)	A kennel owner/worker negligently causes “cruelty”	M-1	If animal dies: F-5 Otherwise: M-1	No change to existing law
<b>E5</b> (HB 60: F2)	A kennel owner/worker negligently fails to provide food or water	M-1	If animal dies: F-5 Otherwise: M-1	No change to existing law
<b>E5</b> (HB 60: F3)	A kennel owner/worker negligently fails to provide shelter	M-1	If animal dies: F-5 Otherwise: M-1	No change to existing law

### **OTHER MODIFICATIONS TO HB 274 AS INTRODUCED:**



- \*\*HB 60 as amended prohibits Humane Societies from employing attorneys to prosecute felony animal cruelty crimes.**
- \*\*HB 60 only modifies the penalty for one rarely applicable section of ORC §959.131. HB 274 modified nearly all sections to provide that cruelty/neglect resulting in the death of an animal carries 5<sup>th</sup> degree felony classification.**
- \*\*HB 60 requires development of educational materials for veterinarians about identifying client opioid abuse, but has no enforcement or mandatory reporting requirements for vets who identify clients that are using pets to abuse opioids.**

<u>DEGREE OF CRIME</u>	<u>MAXIMUM JAIL/PRISON</u>	<u>MAXIMUM FINE</u>
F-5 (Fifth degree felony)	6-12 months prison	\$2,500
M-1 (First degree misdemeanor)	6 months jail	\$1,000
M-2 (Second degree misdemeanor)	3 months jail	\$750

**CRIMINAL ACT MENTAL STATES:** “Knowingly” and “Negligently” refer to the mental state of the Defendant.

- **“Knowingly”:** Defendant is aware that it is *practically certain* that his conduct will cause a specific result.
  - ➔ **Example:** Defendant X strangled a dog. X’s conduct evidenced he was practically certain that his conduct would cause pain and suffering to the dog. (M-1, IF this caused “serious physical harm” it would be an F-5)
- **“Negligently”:** Defendant should have been aware of a substantial and unjustifiable risk that a certain consequence would result from his actions. Defendant is not aware of the risks but should have known what those risks were.
  - ➔ **Example:** Defendant X did not provide a cat with enough food, leading to emaciation. X could not have been practically certain that his conduct would have caused sickness/suffering, but a reasonable person would be aware that if they did not provide sufficient quantities of food, that the cat would become sick/suffer. (M-2)
  - ➔ **Example:** Defendant X did not provide a dog with veterinary care for an infected wound. X could not have been practically certain that his conduct would have caused suffering, but a reasonable person would be aware that if they did not provide veterinary care for the untreated condition, that the dog would suffer. (M-2)