

As Introduced

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H. B. No. 369

Representatives Collier, Calvert, Peterson, Cates, Clancy, T. Patton, Setzer,
Hughes, Carano, Skindell, Aslanides, Ujvagi, D. Evans, Harwood, Allen,
DeWine, Distel, Perry, Schaffer, Beatty, Barrett, Kearns

A BILL

To amend sections 323.151, 955.011, 2913.01, 2913.02, 1
2921.321, 4503.064, and 5117.01 of the Revised 2
Code to expand the offense of "harassing a police 3
dog or horse"; to rename "handicapped assistance 4
dogs" as "service dogs"; to enact the offense of 5
"harassing a service dog"; to require an offender 6
who commits any of the assault or harassment 7
offenses related to police dogs or horses or 8
service dogs to pay resulting veterinary, 9
replacement, and training costs; to make theft of 10
a police dog or horse or a service dog a third 11
degree felony; to include seizure assistance, 12
response, and alert dogs as "service dogs" for the 13
assault, harassment, and theft offenses related to 14
service dogs; to exempt seizure assistance, 15
seizure response, or seizure alert dogs from the 16
fee for registration and provide that the 17
registration is permanent; and to replace the 18
phrase "unfit to work" with "unable to work" in 19
various definitions related to persons with a 20
disability. 21

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

Section 1. That sections 323.151, 955.011, 2913.01, 2913.02, 2921.321, 4503.064, and 5117.01 of the Revised Code be amended to read as follows:

Sec. 323.151. As used in sections 323.151 to 323.159 of the Revised Code:

(A) "Homestead" means either of the following:

(1) A dwelling, including a unit in a multiple-unit dwelling and a manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, owned and occupied as a home by an individual whose domicile is in this state and who has not acquired ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the real property tax reduction provided in section 323.152 of the Revised Code.

(2) A unit in a housing cooperative that is occupied as a home, but not owned, by an individual whose domicile is in this state.

The homestead shall include so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or unit as a home. An owner includes a holder of one of the several estates in fee, a vendee in possession under a purchase agreement or a land contract, a mortgagor, a life tenant, one or more tenants with a right of survivorship, tenants in common, and a settlor of a revocable inter vivos trust holding the title to a homestead occupied by the settlor as of right under the trust. The tax commissioner shall adopt rules for the uniform classification and valuation of real property or portions of real

property as homesteads. 49

(B) "Sixty-five years of age or older" means a person who has 50
attained age sixty-four prior to the first day of January of the 51
year of application for reduction in real estate taxes. 52

(C) "Total income" means the adjusted gross income of the 53
owner and the owner's spouse for the year preceding the year in 54
which application for a reduction in taxes is made, as determined 55
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 56
U.S.C.A. 1, as amended, adjusted as follows: 57

(1) Subtract the amount of disability benefits included in 58
adjusted gross income, but not to exceed fifty-two hundred 59
dollars; 60

(2) Add old age and survivors benefits received pursuant to 61
the "Social Security Act" that are not included in adjusted gross 62
income; 63

(3) Add retirement, pension, annuity, or other retirement 64
payments or benefits not included in adjusted gross income; 65

(4) Add tier I and tier II railroad retirement benefits 66
received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 67
45 U.S.C.A. 228; 68

(5) Add interest on federal, state, and local government 69
obligations; 70

(6) For a person who received the homestead exemption for a 71
prior year on the basis of being permanently and totally disabled 72
and whose current application for the exemption is made on the 73
basis of age, subtract the following amount: 74

(a) If the person received disability benefits that were not 75
included in adjusted gross income in the year preceding the first 76
year in which the person applied for the exemption on the basis of 77
age, subtract an amount equal to the disability benefits the 78

person received in that preceding year, to the extent included in 79
total income in the current year and not subtracted under division 80
(C)(1) of this section in the current year; 81

(b) If the person received disability benefits that were 82
included in adjusted gross income in the year preceding the first 83
year in which the person applied for the exemption on the basis of 84
age, subtract an amount equal to the amount of disability benefits 85
that were subtracted pursuant to division (C)(1) of this section 86
in that preceding year, to the extent included in total income in 87
the current year and not subtracted under division (C)(1) of this 88
section in the current year. 89

Disability benefits that are paid by the department of 90
veterans affairs or a branch of the armed forces of the United 91
States on account of an injury or disability shall not be included 92
in total income. 93

(D) "Old age and survivors benefits received pursuant to the 94
'Social Security Act'" or "tier I railroad retirement benefits 95
received pursuant to the 'Railroad Retirement Act'" means: 96

(1) For those persons receiving the homestead exemption for 97
the first time for tax years 1976 and earlier, old age benefits 98
payable under the social security or railroad retirement laws in 99
effect on December 31, 1975, except in those cases where a change 100
in social security or railroad retirement benefits would result in 101
a reduction in income. 102

(2) For those persons receiving the homestead exemption for 103
the first time for tax years 1977 and thereafter, old age benefits 104
payable under the social security or railroad retirement laws in 105
effect on the last day of the calendar year prior to the year for 106
which the homestead exemption is first received, or, if no such 107
benefits are payable that year, old age benefits payable the first 108
succeeding year in which old age benefits under the social 109

security or railroad retirement laws are payable, except in those 110
cases where a change in social security or railroad retirement 111
benefits results in a reduction in income. 112

(3) The lesser of: 113

(a) Survivors benefits payable under the social security or 114
railroad retirement laws in effect on the last day of the calendar 115
year prior to the year for which the homestead exemption is first 116
received, or, if no such benefits are payable that year, survivors 117
benefits payable the first succeeding year in which survivors 118
benefits are payable; or 119

(b) Old age benefits of the deceased spouse, as determined 120
under division (D)(1) or (2) of this section, upon which the 121
surviving spouse's survivors benefits are based under the social 122
security or railroad retirement laws, except in those cases where 123
a change in benefits would cause a reduction in income. 124

Survivors benefits are those described in division (D)(3)(b) 125
of this section only if the deceased spouse received old age 126
benefits in the year in which the deceased spouse died. If the 127
deceased spouse did not receive old age benefits in the year in 128
which the deceased spouse died, then survivors benefits are those 129
described in division (D)(3)(a) of this section. 130

(E) "Permanently and totally disabled" means a person who 131
has, on the first day of January of the year of application for 132
reduction in real estate taxes, some impairment in body or mind 133
that makes the person ~~unfit~~ unable to work at any substantially 134
remunerative employment that the person is reasonably able to 135
perform and that will, with reasonable probability, continue for 136
an indefinite period of at least twelve months without any present 137
indication of recovery therefrom or has been certified as 138
permanently and totally disabled by a state or federal agency 139
having the function of so classifying persons. 140

(F) "Housing cooperative" means a housing complex of at least two hundred fifty units that is owned and operated by a nonprofit corporation that issues a share of the corporation's stock to an individual, entitling the individual to live in a unit of the complex, and collects a monthly maintenance fee from the individual to maintain, operate, and pay the taxes of the complex.

Sec. 955.011. (A) When an application is made for registration of a dog that is in training to become or serves as a guide or leader for a blind person or as a listener for a deaf person ~~or~~, that is in training to provide or provides support or assistance for a mobility impaired person, or that is in training to become or serves as a seizure assistance, seizure response, or seizure alert dog for a person with a seizure disorder, and the owner can show proof by certificate or other means that the dog is in training or has been trained for that purpose by a nonprofit special agency engaged in such work, the owner of such a guide, leader, hearing, ~~or support, seizure assistance, seizure response, or seizure alert~~ dog shall be exempt from any fee for such registration. Registration for such a dog in training or serving as a guide or leader for a blind person, as a listener for a deaf person, ~~or~~ as a support dog for a mobility impaired person, or as a seizure assistance, seizure response, or seizure alert dog for a person with a seizure disorder shall be permanent and not subject to annual renewal so long as the dog is in training or so serves. Certificates and tags stamped "Ohio ~~Handicapped Assistance Service~~ Dog-Permanent Registration," with registration number, shall be issued upon registration of such a dog. Any certificate and tag stamped "Ohio Guide Dog-Permanent Registration" or "Ohio Hearing Dog-Permanent Registration," with registration number, that was issued for a dog in accordance with this section as it existed prior to July 4, 1984, and any certificate and tag stamped "Ohio Handicapped Assistance Dog-Permanent Registration," with

registration number, that was issued for a dog in accordance with 173
this section as it existed on and after July 5, 1984, and prior to 174
the effective date of this amendment, shall remain in effect as 175
valid proof of the registration of the dog on and after ~~that~~ the 176
effective date of this amendment. Duplicate certificates and tags 177
for a dog registered in accordance with this section, upon proper 178
proof of loss, shall be issued and no fee required. Each duplicate 179
certificate and tag that is issued shall be stamped "Ohio 180
~~Handicapped Assistance~~ Service Dog-Permanent Registration." 181

(B) As used in this section and in sections 955.16 and 955.43 182
of the Revised Code: 183

(1) "Mobility impaired person" means any person, regardless 184
of age, who is subject to a physiological defect or deficiency 185
regardless of its cause, nature, or extent that renders the person 186
unable to move about without the aid of crutches, a wheelchair, or 187
any other form of support, or that limits the person's functional 188
ability to ambulate, climb, descend, sit, rise, or to perform any 189
related function. 190

(2) "Blind" means either of the following: 191

(a) Vision twenty/two hundred or less in the better eye with 192
proper correction. 193

(b) Field defect in the better eye with proper correction 194
which contracts the peripheral field so that the diameter of the 195
visual field subtends an angle no greater than twenty degrees. 196

Sec. 2913.01. As used in this chapter, unless the context 197
requires that a term be given a different meaning: 198

(A) "Deception" means knowingly deceiving another or causing 199
another to be deceived by any false or misleading representation, 200
by withholding information, by preventing another from acquiring 201
information, or by any other conduct, act, or omission that 202

creates, confirms, or perpetuates a false impression in another, 203
including a false impression as to law, value, state of mind, or 204
other objective or subjective fact. 205

(B) "Defraud" means to knowingly obtain, by deception, some 206
benefit for oneself or another, or to knowingly cause, by 207
deception, some detriment to another. 208

(C) "Deprive" means to do any of the following: 209

(1) Withhold property of another permanently, or for a period 210
that appropriates a substantial portion of its value or use, or 211
with purpose to restore it only upon payment of a reward or other 212
consideration; 213

(2) Dispose of property so as to make it unlikely that the 214
owner will recover it; 215

(3) Accept, use, or appropriate money, property, or services, 216
with purpose not to give proper consideration in return for the 217
money, property, or services, and without reasonable justification 218
or excuse for not giving proper consideration. 219

(D) "Owner" means, unless the context requires a different 220
meaning, any person, other than the actor, who is the owner of, 221
who has possession or control of, or who has any license or 222
interest in property or services, even though the ownership, 223
possession, control, license, or interest is unlawful. 224

(E) "Services" include labor, personal services, professional 225
services, public utility services, common carrier services, and 226
food, drink, transportation, entertainment, and cable television 227
services and, for purposes of section 2913.04 of the Revised Code, 228
include cable services as defined in that section. 229

(F) "Writing" means any computer software, document, letter, 230
memorandum, note, paper, plate, data, film, or other thing having 231
in or upon it any written, typewritten, or printed matter, and any 232

token, stamp, seal, credit card, badge, trademark, label, or other 233
symbol of value, right, privilege, license, or identification. 234

(G) "Forge" means to fabricate or create, in whole or in part 235
and by any means, any spurious writing, or to make, execute, 236
alter, complete, reproduce, or otherwise purport to authenticate 237
any writing, when the writing in fact is not authenticated by that 238
conduct. 239

(H) "Utter" means to issue, publish, transfer, use, put or 240
send into circulation, deliver, or display. 241

(I) "Coin machine" means any mechanical or electronic device 242
designed to do both of the following: 243

(1) Receive a coin, bill, or token made for that purpose; 244

(2) In return for the insertion or deposit of a coin, bill, 245
or token, automatically dispense property, provide a service, or 246
grant a license. 247

(J) "Slug" means an object that, by virtue of its size, 248
shape, composition, or other quality, is capable of being inserted 249
or deposited in a coin machine as an improper substitute for a 250
genuine coin, bill, or token made for that purpose. 251

(K) "Theft offense" means any of the following: 252

(1) A violation of section 2911.01, 2911.02, 2911.11, 253
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 254
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 255
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 256
2913.47, former section 2913.47 or 2913.48, or section 2913.51, 257
2915.05, or 2921.41 of the Revised Code; 258

(2) A violation of an existing or former municipal ordinance 259
or law of this or any other state, or of the United States, 260
substantially equivalent to any section listed in division (K)(1) 261
of this section or a violation of section 2913.41, 2913.81, or 262

2915.06 of the Revised Code as it existed prior to July 1, 1996;	263
(3) An offense under an existing or former municipal ordinance or law of this or any other state, or of the United States, involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud;	264 265 266 267 268
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (K)(1), (2), or (3) of this section.	269 270 271
(L) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use, or data that is contained within a computer system or computer network.	272 273 274 275
(M) "Computer" means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program, or communication facilities that are connected, or related, in a computer system or network to an electronic device of that nature.	276 277 278 279 280 281 282
(N) "Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output, and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.	283 284 285 286 287
(O) "Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.	288 289 290 291 292
(P) "Computer program" means an ordered set of data	293

representing coded instructions or statements that, when executed 294
by a computer, cause the computer to process data. 295

(Q) "Computer software" means computer programs, procedures, 296
and other documentation associated with the operation of a 297
computer system. 298

(R) "Data" means a representation of information, knowledge, 299
facts, concepts, or instructions that are being or have been 300
prepared in a formalized manner and that are intended for use in a 301
computer, computer system, or computer network. For purposes of 302
section 2913.47 of the Revised Code, "data" has the additional 303
meaning set forth in division (A) of that section. 304

(S) "Cable television service" means any services provided by 305
or through the facilities of any cable television system or other 306
similar closed circuit coaxial cable communications system, or any 307
microwave or similar transmission service used in connection with 308
any cable television system or other similar closed circuit 309
coaxial cable communications system. 310

(T) "Gain access" means to approach, instruct, communicate 311
with, store data in, retrieve data from, or otherwise make use of 312
any resources of a computer, computer system, or computer network, 313
or any cable service or cable system both as defined in section 314
2913.04 of the Revised Code. 315

(U) "Credit card" includes, but is not limited to, a card, 316
code, device, or other means of access to a customer's account for 317
the purpose of obtaining money, property, labor, or services on 318
credit, or for initiating an electronic fund transfer at a 319
point-of-sale terminal, an automated teller machine, or a cash 320
dispensing machine. It also includes a county procurement card 321
issued under section 301.29 of the Revised Code. 322

(V) "Electronic fund transfer" has the same meaning as in 92 323
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 324

(W) "Rented property" means personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property, within any applicable minimum or maximum term; and the amount of consideration generally is determined by the duration of possession of the property.

(X) "Telecommunication" means the origination, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence of any nature over any communications system by any method, including, but not limited to, a fiber optic, electronic, magnetic, optical, digital, or analog method.

(Y) "Telecommunications device" means any instrument, equipment, machine, or other device that facilitates telecommunication, including, but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.

(Z) "Telecommunications service" means the providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.

(AA) "Counterfeit telecommunications device" means a telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured, or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service.

"Counterfeit telecommunications device" includes, but is not 356
limited to, a clone telephone, clone microchip, tumbler telephone, 357
or tumbler microchip; a wireless scanning device capable of 358
acquiring, intercepting, receiving, or otherwise facilitating the 359
use of telecommunications service or information service without 360
immediate detection; or a device, equipment, hardware, or software 361
designed for, or capable of, altering or changing the electronic 362
serial number in a wireless telephone. 363

(BB)(1) "Information service" means, subject to division 364
(BB)(2) of this section, the offering of a capability for 365
generating, acquiring, storing, transforming, processing, 366
retrieving, utilizing, or making available information via 367
telecommunications, including, but not limited to, electronic 368
publishing. 369

(2) "Information service" does not include any use of a 370
capability of a type described in division (BB)(1) of this section 371
for the management, control, or operation of a telecommunications 372
system or the management of a telecommunications service. 373

(CC) "Elderly person" means a person who is sixty-five years 374
of age or older. 375

(DD) "Disabled adult" means a person who is eighteen years of 376
age or older and has some impairment of body or mind that makes 377
the person ~~unfit~~ unable to work at any substantially remunerative 378
employment that the person otherwise would be able to perform and 379
that will, with reasonable probability, continue for a period of 380
at least twelve months without any present indication of recovery 381
from the impairment, or who is eighteen years of age or older and 382
has been certified as permanently and totally disabled by an 383
agency of this state or the United States that has the function of 384
so classifying persons. 385

(EE) "Firearm" and "dangerous ordnance" have the same 386

meanings as in section 2923.11 of the Revised Code. 387

(FF) "Motor vehicle" has the same meaning as in section 388
4501.01 of the Revised Code. 389

(GG) "Dangerous drug" has the same meaning as in section 390
4729.01 of the Revised Code. 391

(HH) "Drug abuse offense" has the same meaning as in section 392
2925.01 of the Revised Code. 393

(II) "Police dog or horse" and "service dog" have the same 394
meanings as in section 2921.321 of the Revised Code. 395

Sec. 2913.02. (A) No person, with purpose to deprive the 396
owner of property or services, shall knowingly obtain or exert 397
control over either the property or services in any of the 398
following ways: 399

(1) Without the consent of the owner or person authorized to 400
give consent; 401

(2) Beyond the scope of the express or implied consent of the 402
owner or person authorized to give consent; 403

(3) By deception; 404

(4) By threat; 405

(5) By intimidation. 406

(B)(1) Whoever violates this section is guilty of theft. 407

(2) Except as otherwise provided in this division or division 408
(B)(3), (4), (5), ~~or (6)~~, or (7) of this section, a violation of 409
this section is petty theft, a misdemeanor of the first degree. If 410
the value of the property or services stolen is five hundred 411
dollars or more and is less than five thousand dollars or if the 412
property stolen is any of the property listed in section 2913.71 413
of the Revised Code, a violation of this section is theft, a 414
felony of the fifth degree. If the value of the property or 415

services stolen is five thousand dollars or more and is less than 416
one hundred thousand dollars, a violation of this section is grand 417
theft, a felony of the fourth degree. If the value of the property 418
or services stolen is one hundred thousand dollars or more and is 419
less than five hundred thousand dollars, a violation of this 420
section is aggravated theft, a felony of the third degree. If the 421
value of the property or services is five hundred thousand dollars 422
or more and is less than one million dollars, a violation of this 423
section is aggravated theft, a felony of the second degree. If the 424
value of the property or services stolen is one million dollars or 425
more, a violation of this section is aggravated theft of one 426
million dollars or more, a felony of the first degree. 427

(3) Except as otherwise provided in division (B)(4), (5), ~~or~~ 428
(6), or (7) of this section, if the victim of the offense is an 429
elderly person or disabled adult, a violation of this section is 430
theft from an elderly person or disabled adult, and division 431
(B)(3) of this section applies. Except as otherwise provided in 432
this division, theft from an elderly person or disabled adult is a 433
felony of the fifth degree. If the value of the property or 434
services stolen is five hundred dollars or more and is less than 435
five thousand dollars, theft from an elderly person or disabled 436
adult is a felony of the fourth degree. If the value of the 437
property or services stolen is five thousand dollars or more and 438
is less than twenty-five thousand dollars, theft from an elderly 439
person or disabled adult is a felony of the third degree. If the 440
value of the property or services stolen is twenty-five thousand 441
dollars or more and is less than one hundred thousand dollars, 442
theft from an elderly person or disabled adult is a felony of the 443
second degree. If the value of the property or services stolen is 444
one hundred thousand dollars or more, theft from an elderly person 445
or disabled adult is a felony of the first degree. 446

(4) If the property stolen is a firearm or dangerous 447

ordnance, a violation of this section is grand theft, a felony of 448
the fourth degree. 449

(5) If the property stolen is a motor vehicle, a violation of 450
this section is grand theft of a motor vehicle, a felony of the 451
fourth degree. 452

(6) If the property stolen is any dangerous drug, a violation 453
of this section is theft of drugs, a felony of the fourth degree, 454
or, if the offender previously has been convicted of a felony drug 455
abuse offense, a felony of the third degree. 456

(7) If the property stolen is a police dog or horse or a 457
service dog, a violation of this section is theft of a police dog 458
or horse or service dog, a felony of the third degree. 459

Sec. 2921.321. (A) No person shall knowingly cause, or 460
attempt to cause, physical harm to a police dog or horse in either 461
of the following circumstances: 462

(1) The police dog or horse is assisting a law enforcement 463
officer in the performance of the officer's official duties at the 464
time the physical harm is caused or attempted. 465

(2) The police dog or horse is not assisting a law 466
enforcement officer in the performance of the officer's official 467
duties at the time the physical harm is caused or attempted, but 468
the offender has actual knowledge that the dog or horse is a 469
police dog or horse. 470

(B) No person shall recklessly do any of the following: 471

(1) Taunt, torment, or strike a police dog or horse; 472

(2) Throw an object or substance at a police dog or horse; 473

(3) Interfere with or obstruct a police dog or horse, or 474
interfere with or obstruct a law enforcement officer who is being 475
assisted by a police dog or horse, in a manner that does any of 476

the following:	477
(a) Inhibits or restricts the law enforcement officer's control of the police dog or horse;	478 479
(b) Deprives the law enforcement officer of control of the police dog or horse;	480 481
(c) Releases the police dog or horse from its area of control;	482 483
(d) Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;	484 485 486
(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse;	487 488
(5) <u>If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse;</u>	489 490 491 492 493 494 495
(6) <u>After being warned verbally or in any other manner by a law enforcement officer who is being assisted by a police dog or horse that conduct in which the person is engaging is interfering with or obstructing the police dog or horse or is interfering with or obstructing a law enforcement officer who is being assisted by the police dog or horse, persisting in or continuing the conduct to which the warning pertained.</u>	496 497 498 499 500 501 502
(C) No person shall knowingly cause, or attempt to cause, physical harm to a handicapped assistance <u>service</u> dog in either of the following circumstances:	503 504 505
(1) The handicapped assistance <u>service</u> dog is assisting <u>or</u>	506

serving a blind, deaf, or mobility impaired person or person with 507
a seizure disorder at the time the physical harm is caused or 508
attempted. 509

(2) The ~~handicapped assistance~~ service dog is not assisting 510
or serving a blind, deaf, or mobility impaired person or person 511
with a seizure disorder at the time the physical harm is caused or 512
attempted, but the offender has actual knowledge that the dog is a 513
~~handicapped assistance~~ service dog. 514

(D) No person shall recklessly do any of the following: 515

(1) Taunt, torment, or strike a service dog; 516

(2) Throw an object or substance at a service dog; 517

(3) Interfere with or obstruct a service dog, or interfere 518
with or obstruct a blind, deaf, or mobility impaired person or 519
person with a seizure disorder who is being assisted or served by 520
a service dog, in a manner that does any of the following: 521

(a) Inhibits or restricts the assisted or served person's 522
control of the service dog; 523

(b) Deprives the assisted or served person of control of the 524
service dog; 525

(c) Releases the service dog from its area of control; 526

(d) Enters the area of control of the service dog without the 527
consent of the assisted or served person, including placing food 528
or any other object or substance into that area. 529

(4) Engage in any conduct that is likely to cause serious 530
physical injury or death to a service dog; 531

(5) If the person is the owner, keeper, or harbinger of a dog, 532
fail to reasonably restrain the dog from taunting, tormenting, 533
chasing, approaching in a menacing fashion or apparent attitude of 534
attack, or attempting to bite or otherwise endanger a service dog 535
that at the time of the conduct is assisting or serving a blind, 536

deaf, or mobility impaired person or person with a seizure 537
disorder or that the person knows is a service dog; 538

(6) After being warned verbally or in any other manner by a 539
blind, deaf, or mobility impaired person or person with a seizure 540
disorder who is being assisted or served by a service dog that 541
conduct in which the person is engaging is interfering with or 542
obstructing the service dog or is interfering with or obstructing 543
a blind, deaf, or mobility impaired person or person with a 544
seizure disorder who is being assisted or served by the service 545
dog, persisting in or continuing the conduct to which the warning 546
pertained. 547

(E)(1) Whoever violates division (A) of this section is 548
guilty of assaulting a police dog or horse. Except as otherwise 549
provided in this division, assaulting a police dog or horse is a 550
misdemeanor of the second degree. If the violation results in the 551
death of the police dog or horse, assaulting a police dog or horse 552
is a felony of the fourth degree. If the violation results in 553
serious physical harm to the police dog or horse other than its 554
death, assaulting a police dog or horse is a felony of the fifth 555
degree. If the violation results in physical harm to the police 556
dog or horse other than death or serious physical harm, assaulting 557
a police dog or horse is a misdemeanor of the first degree. 558

(2) Whoever violates division (B) of this section is guilty 559
of harassing a police dog or horse. Except as otherwise provided 560
in this division, harassing a police dog or horse is a misdemeanor 561
of the second degree. If the violation results in the death of the 562
police dog or horse, harassing a police dog or horse is a felony 563
of the fourth degree. If the violation results in serious physical 564
harm to the police dog or horse but does not result in its death, 565
harassing a police dog or horse is a felony of the fifth degree. 566
If the violation results in physical harm to the police dog or 567
horse but does not result in its death or in serious physical harm 568

to it, harassing a police dog or horse is a misdemeanor of the 569
first degree. 570

~~(3) Whoever violates division (B) of this section is 571
responsible for the payment of all of the following: 572~~

~~(a) Any veterinary bills or bills for medication incurred by 573
the police department as a result of the violation; 574~~

~~(b) Any damaged equipment that result from the violation; 575~~

~~(c) The cost of replacing the police dog or horse and of any 576
further training of a new police dog or horse by a law enforcement 577
officer that is required because of the death of or serious 578
physical harm to the police dog or horse that is the subject of 579
the violation. 580~~

~~(4) Whoever violates division (C) of this section is guilty 581
of assaulting a ~~handicapped assistance~~ service dog. Except as 582
otherwise provided in this division, assaulting a ~~handicapped~~ 583
~~assistance~~ service dog is a misdemeanor of the second degree. If 584
the violation results in the death of the service dog, assaulting 585
a ~~handicapped assistance~~ service dog is a felony of the fourth 586
degree. If the violation results in serious physical harm to the 587
service dog other than its death, assaulting a ~~handicapped~~ 588
~~assistance~~ service dog is a felony of the fifth degree. If the 589
violation results in physical harm to the service dog other than 590
death or serious physical harm, assaulting a ~~handicapped~~ 591
~~assistance~~ service dog is a misdemeanor of the first degree. 592~~

(4) Whoever violates division (D) of this section is guilty 593
of harassing a service dog. Except as otherwise provided in this 594
division, harassing a service dog is a misdemeanor of the second 595
degree. If the violation results in the death of the service dog, 596
harassing a service dog is a felony of the fourth degree. If the 597
violation results in serious physical harm to the service dog but 598
does not result in its death, harassing a service dog is a felony 599

of the fifth degree. If the violation results in physical harm to 600
the service dog but does not result in its death or in serious 601
physical harm to it, harassing a service dog is a misdemeanor of 602
the first degree. 603

(5) In addition to any other sanction or penalty imposed for 604
the offense under this section, Chapter 2929., or any other 605
provision of the Revised Code, whoever violates division (A), (B), 606
(C), or (D) of this section is responsible for the payment of all 607
of the following: 608

(a) Any veterinary bill or bill for medication incurred as a 609
result of the violation by the police department regarding a 610
violation of division (A) or (B) of this section or by the blind, 611
deaf, or mobility impaired person or person with a seizure 612
disorder assisted or served by the service dog regarding a 613
violation of division (C) or (D) of this section; 614

(b) The cost of any damaged equipment that results from the 615
violation; 616

(c) If the violation did not result in the death of the 617
police dog or horse or the service dog that was the subject of the 618
violation and if, as a result of that dog or horse being the 619
subject of the violation, the dog or horse needs further training 620
or retraining to be able to continue in the capacity of a police 621
dog or horse or a service dog, the cost of any further training or 622
retraining of that dog or horse by a law enforcement officer or by 623
the blind, deaf, or mobility impaired person or person with a 624
seizure disorder assisted or served by the service dog; 625

(d) If the violation resulted in the death of the police dog 626
or horse or the service dog that was the subject of the violation 627
or resulted in serious physical harm to that dog or horse to the 628
extent that the dog or horse needs to be replaced on either a 629
temporary or a permanent basis, the cost of replacing that dog or 630

horse and of any further training of a new police dog or horse or 631
a new service dog by a law enforcement officer or by the blind, 632
deaf, or mobility impaired person or person with a seizure 633
disorder assisted or served by the service dog, which replacement 634
or training is required because of the death of or the serious 635
physical harm to the dog or horse that was the subject of the 636
violation. 637

~~(E)~~(F) This section does not apply to a licensed veterinarian 638
whose conduct is in accordance with Chapter 4741. of the Revised 639
Code. 640

~~(F)~~(G) As used in this section: 641

(1) "Physical harm" means any injury, illness, or other 642
physiological impairment, regardless of its gravity or duration. 643

(2) "Police dog or horse" means a dog or horse that has been 644
trained, and may be used, to assist law enforcement officers in 645
the performance of their official duties. 646

(3) "Serious physical harm" means any of the following: 647

(a) Any physical harm that carries a substantial risk of 648
death; 649

(b) Any physical harm that causes permanent maiming or that 650
involves some temporary, substantial maiming; 651

(c) Any physical harm that causes acute pain of a duration 652
that results in substantial suffering. 653

(4) "~~Handicapped assistance~~ Service dog" means a dog that 654
serves as a guide or leader for a blind person ~~or~~, serves as a 655
listener for a deaf person ~~or that~~, provides support or assistance 656
for a mobility impaired person, or serves as a seizure assistance, 657
seizure response, or seizure alert dog for a person with any 658
seizure disorder. 659

(5) "Blind" and "mobility impaired person" have the same 660

meanings as in section 955.011 of the Revised Code. 661

Sec. 4503.064. As used in sections 4503.064 to 4503.069 of 662
the Revised Code: 663

(A) "Sixty-five years of age or older" means a person who 664
will be age sixty-five or older in the calendar year following the 665
year of application for reduction in the assessable value of the 666
person's manufactured or mobile home. 667

(B) "Total income" means the adjusted gross income of the 668
owner and the owner's spouse for the year preceding the year in 669
which application for a reduction in taxes is made, as determined 670
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 671
U.S.C.A. 1, as amended, adjusted as follows: 672

(1) Subtract the amount of disability benefits included in 673
adjusted gross income but not to exceed five thousand two hundred 674
dollars; 675

(2) Add old age and survivors benefits received pursuant to 676
the "Social Security Act" that are not included in adjusted gross 677
income; 678

(3) Add retirement, pension, annuity, or other retirement 679
payments or benefits not included in adjusted gross income; 680

(4) Add tier I and II railroad retirement benefits received 681
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 682
228; 683

(5) Add interest on federal, state, and local government 684
obligations; 685

(6) For a person who received the homestead exemption for a 686
prior year on the basis of being permanently and totally disabled 687
and whose current application for the exemption is made on the 688
basis of age, subtract the following amount: 689

(a) If the person received disability benefits that were not 690
included in adjusted gross income in the year preceding the first 691
year in which the person applied for the exemption on the basis of 692
age, subtract an amount equal to the disability benefits the 693
person received in that preceding year, to the extent included in 694
total income in the current year and not subtracted under division 695
(B)(1) of this section in the current year; 696

(b) If the person received disability benefits that were 697
included in adjusted gross income in the year preceding the first 698
year in which the person applied for the exemption on the basis of 699
age, subtract an amount equal to the amount of disability benefits 700
that were subtracted pursuant to division (B)(1) of this section 701
in that preceding year, to the extent included in total income in 702
the current year and not subtracted under division (B)(1) of this 703
section in the current year. 704

Disability benefits that are paid by the department of 705
veterans affairs or a branch of the armed forces of the United 706
States on account of an injury or disability shall not be included 707
in total income. 708

(C) "Old age and survivors benefits received pursuant to the 709
'Social Security Act'" or "tier I railroad retirement benefits 710
received pursuant to the 'Railroad Retirement Act'" means: 711

(1) The old age benefits payable under the social security or 712
railroad retirement laws in effect on the last day of the calendar 713
year preceding the year in which the applicant's application for 714
reduction is first successfully made, or, if no such benefits are 715
payable that year, old age benefits payable the first succeeding 716
year in which old age benefits under the social security or 717
railroad retirement laws are payable, except in those cases where 718
a change in social security or railroad retirement benefits 719
results in a reduction in income. 720

(2) The lesser of: 721

(a) Survivors benefits payable under the social security or 722
railroad retirement laws in effect on the last day of the calendar 723
year preceding the year in which the applicant's application for 724
reduction is first successfully made, or, if no such benefits are 725
payable that year, survivors benefits payable the first succeeding 726
year in which survivors benefits are payable; or 727

(b) Old age benefits of the deceased spouse, as determined 728
under division (C)(1) of this section, upon which the surviving 729
spouse's survivors benefits are based under the social security or 730
railroad retirement laws, except in those cases where a change in 731
benefits would cause a reduction in income. 732

Survivors benefits are those described in division (C)(2)(b) 733
of this section only if the deceased spouse received old age 734
benefits in the year in which the deceased died. If the deceased 735
spouse did not receive old age benefits in the year in which the 736
deceased died, then survivors benefits are those described in 737
division (C)(2)(a) of this section. 738

(D) "Permanently and totally disabled" means a person who, on 739
the first day of January of the year of application, including 740
late application, for reduction in the assessable value of a 741
manufactured or mobile home, has some impairment in body or mind 742
that makes the person ~~unfit~~ unable to work at any substantially 743
remunerative employment which the person is reasonably able to 744
perform and which will, with reasonable probability, continue for 745
an indefinite period of at least twelve months without any present 746
indication of recovery therefrom or has been certified as 747
permanently and totally disabled by a state or federal agency 748
having the function of so classifying persons. 749

(E) "Homestead exemption" means the reduction in taxes 750
allowed under division (A) of section 323.152 of the Revised Code 751

for the year in which an application is filed under section 752
4503.066 of the Revised Code. 753

(F) "Manufactured home" has the meaning given in division 754
(C)(4) of section 3781.06 of the Revised Code, and includes a 755
structure consisting of two manufactured homes that were purchased 756
either together or separately and are combined to form a single 757
dwelling, but does not include a manufactured home that is taxed 758
as real property pursuant to division (B) of section 4503.06 of 759
the Revised Code. 760

(G) "Mobile home" has the meaning given in division (O) of 761
section 4501.01 of the Revised Code and includes a structure 762
consisting of two mobile homes that were purchased together or 763
separately and combined to form a single dwelling, but does not 764
include a mobile home that is taxed as real property pursuant to 765
division (B) of section 4503.06 of the Revised Code. 766

(H) "Late application" means an application filed with an 767
original application under division (A)(3) of section 4503.066 of 768
the Revised Code. 769

Sec. 5117.01. As used in sections 5117.01 to 5117.12 of the 770
Revised Code: 771

(A) "Credit" means the credit on utility heating bills 772
granted under division (A) of section 5117.09 of the Revised Code. 773

(B) "Current monthly bill" means the amount charged for 774
energy consumed in the most recent monthly billing period and does 775
not include any past due balance. 776

(C) "Current total income" means the adjusted gross income of 777
the head of household and the person's spouse for the six-month 778
period beginning the first day of January and ending the thirtieth 779
day of June of the year in which an application is made, as 780
determined under the "Internal Revenue Code of 1954," 68A Stat. 3, 781

26 U.S.C. 1, as amended, adjusted as follows:	782
(1) Subtract the amount of disability benefits included in	783
adjusted gross income but not to exceed twenty-six hundred	784
dollars;	785
(2) Add old age and survivors benefits received pursuant to	786
the "Social Security Act" that are not included in federal	787
adjusted gross income;	788
(3) Add retirement, pension, annuity, or other retirement	789
payments or benefits not included in federal adjusted gross	790
income;	791
(4) Add payments received pursuant to the "Railroad	792
Retirement Act," 50 Stat. 307, 45 U.S.C. 228;	793
(5) Add interest on federal, state, and local government	794
obligations;	795
(6) For an applicant who received a credit or payment for the	796
preceding heating season on the basis of being permanently and	797
totally disabled and whose application renewal form for the	798
upcoming heating season is made on the basis of attaining	799
sixty-five years of age or older, subtract the following amount:	800
(a) If the applicant received disability benefits that were	801
not included in federal adjusted gross income in the year	802
preceding a year in which the applicant applies for the credit or	803
payment on the basis of attaining sixty-five years of age or	804
older, subtract an amount equal to the disability benefits the	805
applicant received in that preceding year, to the extent included	806
in current total income, as defined in this section, and not	807
subtracted under division (C)(1) of this section in the current	808
year;	809
(b) If the applicant received disability benefits that were	810
included in federal adjusted gross income in the year preceding a	811

year in which the applicant applies for the credit or payment on 812
the basis of attaining sixty-five years of age or older, subtract 813
an amount equal to the amount of disability benefits that were 814
subtracted pursuant to division (C)(1) of this section in that 815
preceding year, to the extent included in current total income, as 816
defined in this section, and not subtracted under division (C)(1) 817
of this section in the current year. 818

Disability benefits paid by the department of veterans' 819
affairs or a branch of the armed forces of the United States on 820
account of an injury or disability are not included in current 821
total income. 822

(D) "Energy company" means every retail propane dealer that 823
distributes propane by pipeline, and every electric light, rural 824
electric, gas, or natural gas company. 825

(E) "Energy dealer" means every retail dealer of fuel oil, 826
propane, coal, wood, and kerosene. 827

(F) "Head of household" means a person who occupies a 828
household as the person's homestead and who is financially 829
responsible for its other occupants, if any, or the spouse of such 830
a person if both occupy the same household. No person is a head of 831
household if the person occupies a household for the taxable year 832
prior to the year in which an application is filed and was claimed 833
as a dependent on the federal income tax return of another 834
occupant of the same household and was not the taxpayer's spouse 835
or if the person could have been claimed if such a return had been 836
filed for such year and was not the other occupant's spouse. 837

(G) "Household" means any dwelling unit, including a unit in 838
a multiple unit dwelling, a manufactured home, or a mobile home, 839
to which utility heating services or energy commodities are 840
provided. 841

(H) "Payment" means the one hundred twenty-five-dollar 842

payment provided under division (A) of section 5117.10 of the Revised Code. 843
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(I) "Permanently and totally disabled" refers to a person who has, on the first day of July of the year an application is made, some impairment in body or mind that makes the person ~~unfit~~ unable to work at any substantially remunerative employment that the person would otherwise be reasonably able to perform and that will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom, or who has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons. 845
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(J) "Sixty-five years of age or older" refers to a person who has attained age sixty-four prior to the first day of January of the year an application is made. 855
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(K) "Total income" means the adjusted gross income of the head of household and the person's spouse for the year preceding the year in which an application is made, as determined under the "Internal Revenue Code of 1954," 68A Stat. 3, 26 U.S.C. 1, as amended, adjusted as follows: 858
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(1) Subtract the amount of disability benefits included in adjusted gross income but not to exceed fifty-two hundred dollars; 863
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(2) Add old age and survivors benefits received pursuant to the "Social Security Act" that are not included in federal adjusted gross income; 865
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(3) Add retirement, pension, annuity, or other retirement payments or benefits not included in federal adjusted gross income; 868
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(4) Add payments received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 228; 871
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(5) Add interest on federal, state, and local government obligations; 873
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(6) For an applicant who received a credit or payment for the preceding heating season on the basis of being permanently and totally disabled and whose application renewal form for the upcoming heating season is made on the basis of attaining sixty-five years of age or older, subtract the following amount: 875
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(a) If the applicant received disability benefits that were not included in federal adjusted gross income in the year preceding a year in which the applicant applies for the credit or payment on the basis of attaining sixty-five years of age or older, subtract an amount equal to the disability benefits the applicant received in that preceding year, to the extent included in total income, as defined in this section, and not subtracted under division (K)(1) of this section in the current year; 880
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(b) If the applicant received disability benefits that were included in federal adjusted gross income in the year preceding a year in which the applicant applies for the credit or payment on the basis of attaining sixty-five years of age or older, subtract an amount equal to the amount of disability benefits that were subtracted pursuant to division (K)(1) of this section in that preceding year, to the extent included in total income, as defined in this section, and not subtracted under division (K)(1) of this section in the current year. 888
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Disability benefits paid by the department of veterans' affairs or a branch of the armed forces of the United States on account of an injury or disability shall not be included in total income. 897
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(L) "Purchased power costs" means charges for the costs of power purchased by an electric light company under Chapters 4905. and 4909. of the Revised Code and includes charges resulting from 901
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the exchange of electric power. 904

Section 2. That existing sections 323.151, 955.011, 2913.01, 905
2913.02, 2921.321, 4503.064, and 5117.01 of the Revised Code are 906
hereby repealed. 907