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Am. Sub. H. B. No. 369

Representatives Collier, Calvert, Peterson, Cates, Clancy, T. Patton, Setzer,
Hughes, Carano, Skindell, Aslanides, Ujvagi, D. Evans, Harwood, Allen,
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Chandler, Cirelli, C. Evans, Fessler, Flowers, Hartnett, Hollister, Hoops,
Otterman, Raussen, Schmidt, Schneider, Taylor, Walcher

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, 22
2921.321, 4503.064, and 5117.01 of the Revised Code be amended to 23
read as follows: 24

Sec. 323.151. As used in sections 323.151 to 323.159 of the 25
Revised Code: 26

(A) "Homestead" means either of the following: 27

(1) A dwelling, including a unit in a multiple-unit dwelling 28
and a manufactured home or mobile home taxed as real property 29
pursuant to division (B) of section 4503.06 of the Revised Code, 30
owned and occupied as a home by an individual whose domicile is in 31
this state and who has not acquired ownership from a person, other 32
than the individual's spouse, related by consanguinity or affinity 33
for the purpose of qualifying for the real property tax reduction 34
provided in section 323.152 of the Revised Code. 35

(2) A unit in a housing cooperative that is occupied as a 36
home, but not owned, by an individual whose domicile is in this 37
state. 38

The homestead shall include so much of the land surrounding 39
it, not exceeding one acre, as is reasonably necessary for the use 40
of the dwelling or unit as a home. An owner includes a holder of 41
one of the several estates in fee, a vendee in possession under a 42
purchase agreement or a land contract, a mortgagor, a life tenant, 43
one or more tenants with a right of survivorship, tenants in 44
common, and a settlor of a revocable inter vivos trust holding the 45
title to a homestead occupied by the settlor as of right under the 46
trust. The tax commissioner shall adopt rules for the uniform 47

classification and valuation of real property or portions of real 48
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 141
two hundred fifty units that is owned and operated by a nonprofit 142
corporation that issues a share of the corporation's stock to an 143
individual, entitling the individual to live in a unit of the 144
complex, and collects a monthly maintenance fee from the 145
individual to maintain, operate, and pay the taxes of the complex. 146

Sec. 955.011. (A) When an application is made for 147
registration of a dog that is in training to become or serves as a 148
guide or leader for a blind person or as a listener for a deaf 149
person ~~or~~, that is in training to provide or provides support or 150
assistance for a mobility impaired person, or that is in training 151
to become or serves as a seizure assistance, seizure response, or 152
seizure alert dog for a person with a seizure disorder, and the 153
owner can show proof by certificate or other means that the dog is 154
in training or has been trained for that purpose by a nonprofit 155
special agency engaged in such work, the owner of such a guide, 156
leader, hearing, ~~or support,~~ seizure assistance, seizure response, 157
or seizure alert dog shall be exempt from any fee for such 158
registration. Registration for such a dog in training or serving 159
as a guide or leader for a blind person, as a listener for a deaf 160
person, ~~or as a support dog for a mobility impaired person,~~ or as 161
a seizure assistance, seizure response, or seizure alert dog for a 162
person with a seizure disorder shall be permanent and not subject 163
to annual renewal so long as the dog is in training or so serves. 164
Certificates and tags stamped "Ohio ~~Handicapped Assistance Service~~ Service 165
Dog-Permanent Registration," with registration number, shall be 166
issued upon registration of such a dog. Any certificate and tag 167
stamped "Ohio Guide Dog-Permanent Registration" or "Ohio Hearing 168
Dog-Permanent Registration," with registration number, that was 169
issued for a dog in accordance with this section as it existed 170
prior to July 4, 1984, and any certificate and tag stamped "Ohio 171

Handicapped Assistance Dog-Permanent Registration," with 172
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 264
ordinance or law of this or any other state, or of the United 265
States, involving robbery, burglary, breaking and entering, theft, 266
embezzlement, wrongful conversion, forgery, counterfeiting, 267
deceit, or fraud; 268

(4) A conspiracy or attempt to commit, or complicity in 269
committing, any offense under division (K)(1), (2), or (3) of this 270
section. 271

(L) "Computer services" includes, but is not limited to, the 272
use of a computer system, computer network, computer program, data 273
that is prepared for computer use, or data that is contained 274
within a computer system or computer network. 275

(M) "Computer" means an electronic device that performs 276
logical, arithmetic, and memory functions by the manipulation of 277
electronic or magnetic impulses. "Computer" includes, but is not 278
limited to, all input, output, processing, storage, computer 279
program, or communication facilities that are connected, or 280
related, in a computer system or network to an electronic device 281
of that nature. 282

(N) "Computer system" means a computer and related devices, 283
whether connected or unconnected, including, but not limited to, 284
data input, output, and storage devices, data communications 285
links, and computer programs and data that make the system capable 286
of performing specified special purpose data processing tasks. 287

(O) "Computer network" means a set of related and remotely 288
connected computers and communication facilities that includes 289
more than one computer system that has the capability to transmit 290
among the connected computers and communication facilities through 291
the use of computer facilities. 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 325
right of possession and use of the property is for a short and 326
possibly indeterminate term in return for consideration; the 327
rentee generally controls the duration of possession of the 328
property, within any applicable minimum or maximum term; and the 329
amount of consideration generally is determined by the duration of 330
possession of the property. 331

(X) "Telecommunication" means the origination, emission, 332
dissemination, transmission, or reception of data, images, 333
signals, sounds, or other intelligence or equivalence of 334
intelligence of any nature over any communications system by any 335
method, including, but not limited to, a fiber optic, electronic, 336
magnetic, optical, digital, or analog method. 337

(Y) "Telecommunications device" means any instrument, 338
equipment, machine, or other device that facilitates 339
telecommunication, including, but not limited to, a computer, 340
computer network, computer chip, computer circuit, scanner, 341
telephone, cellular telephone, pager, personal communications 342
device, transponder, receiver, radio, modem, or device that 343
enables the use of a modem. 344

(Z) "Telecommunications service" means the providing, 345
allowing, facilitating, or generating of any form of 346
telecommunication through the use of a telecommunications device 347
over a telecommunications system. 348

(AA) "Counterfeit telecommunications device" means a 349
telecommunications device that, alone or with another 350
telecommunications device, has been altered, constructed, 351
manufactured, or programmed to acquire, intercept, receive, or 352
otherwise facilitate the use of a telecommunications service or 353
information service without the authority or consent of the 354

provider of the telecommunications service or information service. 355
"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 ordnance, a violation of this section is grand theft, a felony of the third degree, and there is a presumption in favor of the court imposing a prison term for the offense. The offender shall serve the prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

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

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

(7) If the property stolen is a police dog or horse or a service dog and the offender knows or should know that the property stolen is a police dog or horse or service dog, a violation of this section is theft of a police dog or horse or service dog, a felony of the third degree.

(8) In addition to the penalties described in division (B)(2) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following:

(a) Unless division (B)~~(7)~~(8)(b) of this section applies, suspend for not more than six months the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;

(b) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to division (B)~~(7)~~(8)(a) of this section, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code, provided that the suspension shall be for at least six months.

(C) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under division (B)~~(7)~~(8) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with Chapter 4510. of the Revised Code.

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

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

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

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

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

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

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

the following: 508

(a) Inhibits or restricts the law enforcement officer's 509
control of the police dog or horse; 510

(b) Deprives the law enforcement officer of control of the 511
police dog or horse; 512

(c) Releases the police dog or horse from its area of 513
control; 514

(d) Enters the area of control of the police dog or horse 515
without the consent of the law enforcement officer, including 516
placing food or any other object or substance into that area; 517

(e) Inhibits or restricts the ability of the police dog or 518
horse to assist a law enforcement officer. 519

(4) Engage in any conduct that is likely to cause serious 520
physical injury or death to a police dog or horse; 521

(5) If the person is the owner, keeper, or harbinger of a dog, 522
fail to reasonably restrain the dog from taunting, tormenting, 523
chasing, approaching in a menacing fashion or apparent attitude of 524
attack, or attempting to bite or otherwise endanger a police dog 525
or horse that at the time of the conduct is assisting a law 526
enforcement officer in the performance of the officer's duties or 527
that the person knows is a police dog or horse. 528

(C) No person shall knowingly cause, or attempt to cause, 529
physical harm to a ~~handicapped assistance~~ service dog in either of 530
the following circumstances: 531

(1) The ~~handicapped assistance~~ service dog is assisting or 532
serving a blind, deaf, or mobility impaired person or person with 533
a seizure disorder at the time the physical harm is caused or 534
attempted. 535

(2) The ~~handicapped assistance~~ service dog is not assisting 536
or serving a blind, deaf, or mobility impaired person or person 537

with a seizure disorder at the time the physical harm is caused or 538
attempted, but the offender has actual knowledge that the dog is a 539
~~handicapped assistance~~ service dog. 540

(D) No person shall recklessly do any of the following: 541

(1) Taunt, torment, or strike a service dog; 542

(2) Throw an object or substance at a service dog; 543

(3) Interfere with or obstruct a service dog, or interfere 544
with or obstruct a blind, deaf, or mobility impaired person or 545
person with a seizure disorder who is being assisted or served by 546
a service dog, in a manner that does any of the following: 547

(a) Inhibits or restricts the assisted or served person's 548
control of the service dog; 549

(b) Deprives the assisted or served person of control of the 550
service dog; 551

(c) Releases the service dog from its area of control; 552

(d) Enters the area of control of the service dog without the 553
consent of the assisted or served person, including placing food 554
or any other object or substance into that area; 555

(e) Inhibits or restricts the ability of the service dog to 556
assist the assisted or served person. 557

(4) Engage in any conduct that is likely to cause serious 558
physical injury or death to a service dog; 559

(5) If the person is the owner, keeper, or harbinger of a dog, 560
fail to reasonably restrain the dog from taunting, tormenting, 561
chasing, approaching in a menacing fashion or apparent attitude of 562
attack, or attempting to bite or otherwise endanger a service dog 563
that at the time of the conduct is assisting or serving a blind, 564
deaf, or mobility impaired person or person with a seizure 565
disorder or that the person knows is a service dog. 566

(E)(1) Whoever violates division (A) of this section is 567
guilty of assaulting a police dog or horse. Except as otherwise 568
provided in this division, assaulting a police dog or horse is a 569
misdemeanor of the second degree. If the violation results in the 570
death of the police dog or horse, assaulting a police dog or horse 571
is a felony of the ~~fourth~~ third degree. If the violation results 572
in serious physical harm to the police dog or horse other than its 573
death, assaulting a police dog or horse is a felony of the ~~fifth~~ 574
fourth degree. If the violation results in physical harm to the 575
police dog or horse other than death or serious physical harm, 576
assaulting a police dog or horse is a misdemeanor of the first 577
degree. 578

(2) Whoever violates division (B) of this section is guilty 579
of harassing a police dog or horse. Except as otherwise provided 580
in this division, harassing a police dog or horse is a misdemeanor 581
of the second degree. If the violation results in the death of the 582
police dog or horse, harassing a police dog or horse is a felony 583
of the ~~fourth~~ third degree. If the violation results in serious 584
physical harm to the police dog or horse but does not result in 585
its death, harassing a police dog or horse is a felony of the 586
~~fifth~~ fourth degree. If the violation results in physical harm to 587
the police dog or horse but does not result in its death or in 588
serious physical harm to it, harassing a police dog or horse is a 589
misdemeanor of the first degree. 590

~~(3) Whoever violates division (B) of this section is 591
responsible for the payment of all of the following: 592~~

~~(a) Any veterinary bills or bills for medication incurred by 593
the police department as a result of the violation; 594~~

~~(b) Any damaged equipment that result from the violation; 595~~

~~(c) The cost of replacing the police dog or horse and of any 596
further training of a new police dog or horse by a law enforcement 597~~

~~officer that is required because of the death of or serious
physical harm to the police dog or horse that is the subject of
the violation.~~

~~(4) Whoever violates division (C) of this section is guilty
of assaulting a ~~handicapped assistance~~ service dog. Except as
otherwise provided in this division, assaulting a ~~handicapped~~
~~assistance~~ service dog is a misdemeanor of the second degree. If
the violation results in the death of the service dog, assaulting
a ~~handicapped assistance~~ service dog is a felony of the ~~fourth~~
third degree. If the violation results in serious physical harm to
the service dog other than its death, assaulting a ~~handicapped~~
~~assistance~~ service dog is a felony of the ~~fifth~~ fourth degree. If
the violation results in physical harm to the service dog other
than death or serious physical harm, assaulting a ~~handicapped~~
~~assistance~~ service dog is a misdemeanor of the first degree.~~

(4) Whoever violates division (D) of this section is guilty
of harassing a service dog. Except as otherwise provided in this
division, harassing a service dog is a misdemeanor of the second
degree. If the violation results in the death of the service dog,
harassing a service dog is a felony of the third degree. If the
violation results in serious physical harm to the service dog but
does not result in its death, harassing a service dog is a felony
of the fourth degree. If the violation results in physical harm to
the service dog but does not result in its death or in serious
physical harm to it, harassing a service dog is a misdemeanor of
the first degree.

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

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

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

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

(d) If the violation resulted in the death of the police dog or horse or the service dog that was the subject of the violation or resulted in serious physical harm to that dog or horse to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new service dog by a law enforcement officer or by the blind, deaf, or mobility impaired person or person with a seizure disorder assisted or served by the service dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

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

Code. 660

~~(F)~~(G) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or service dog that is the subject of a violation under this section is a police dog or horse or service dog. 661
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664

(H) As used in this section: 665

(1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration. 666
667

(2) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties. 668
669
670

(3) "Serious physical harm" means any of the following: 671

(a) Any physical harm that carries a substantial risk of death; 672
673

(b) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming; 674
675

(c) Any physical harm that causes acute pain of a duration that results in substantial suffering. 676
677

(4) "~~Handicapped assistance~~ Service dog" means a dog that serves as a guide or leader for a blind person ~~or~~, serves as a listener for a deaf person ~~or that~~, provides support or assistance for a mobility impaired person, or serves as a seizure assistance, seizure response, or seizure alert dog for a person with any seizure disorder. 678
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(5) "Blind" and "mobility impaired person" have the same meanings as in section 955.011 of the Revised Code. 684
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Sec. 4503.064. As used in sections 4503.064 to 4503.069 of the Revised Code: 686
687

(A) "Sixty-five years of age or older" means a person who 688

will be age sixty-five or older in the calendar year following the 689
year of application for reduction in the assessable value of the 690
person's manufactured or mobile home. 691

(B) "Total income" means the adjusted gross income of the 692
owner and the owner's spouse for the year preceding the year in 693
which application for a reduction in taxes is made, as determined 694
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 695
U.S.C.A. 1, as amended, adjusted as follows: 696

(1) Subtract the amount of disability benefits included in 697
adjusted gross income but not to exceed five thousand two hundred 698
dollars; 699

(2) Add old age and survivors benefits received pursuant to 700
the "Social Security Act" that are not included in adjusted gross 701
income; 702

(3) Add retirement, pension, annuity, or other retirement 703
payments or benefits not included in adjusted gross income; 704

(4) Add tier I and II railroad retirement benefits received 705
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 706
228; 707

(5) Add interest on federal, state, and local government 708
obligations; 709

(6) For a person who received the homestead exemption for a 710
prior year on the basis of being permanently and totally disabled 711
and whose current application for the exemption is made on the 712
basis of age, subtract the following amount: 713

(a) If the person received disability benefits that were not 714
included in adjusted gross income in the year preceding the first 715
year in which the person applied for the exemption on the basis of 716
age, subtract an amount equal to the disability benefits the 717
person received in that preceding year, to the extent included in 718

total income in the current year and not subtracted under division 719
(B)(1) of this section in the current year; 720

(b) If the person received disability benefits that were 721
included in adjusted gross income in the year preceding the first 722
year in which the person applied for the exemption on the basis of 723
age, subtract an amount equal to the amount of disability benefits 724
that were subtracted pursuant to division (B)(1) of this section 725
in that preceding year, to the extent included in total income in 726
the current year and not subtracted under division (B)(1) of this 727
section in the current year. 728

Disability benefits that are paid by the department of 729
veterans affairs or a branch of the armed forces of the United 730
States on account of an injury or disability shall not be included 731
in total income. 732

(C) "Old age and survivors benefits received pursuant to the 733
'Social Security Act'" or "tier I railroad retirement benefits 734
received pursuant to the 'Railroad Retirement Act'" means: 735

(1) The old age benefits payable under the social security or 736
railroad retirement laws in effect on the last day of the calendar 737
year preceding the year in which the applicant's application for 738
reduction is first successfully made, or, if no such benefits are 739
payable that year, old age benefits payable the first succeeding 740
year in which old age benefits under the social security or 741
railroad retirement laws are payable, except in those cases where 742
a change in social security or railroad retirement benefits 743
results in a reduction in income. 744

(2) The lesser of: 745

(a) Survivors benefits payable under the social security or 746
railroad retirement laws in effect on the last day of the calendar 747
year preceding the year in which the applicant's application for 748
reduction is first successfully made, or, if no such benefits are 749

payable that year, survivors benefits payable the first succeeding 750
year in which survivors benefits are payable; or 751

(b) Old age benefits of the deceased spouse, as determined 752
under division (C)(1) of this section, upon which the surviving 753
spouse's survivors benefits are based under the social security or 754
railroad retirement laws, except in those cases where a change in 755
benefits would cause a reduction in income. 756

Survivors benefits are those described in division (C)(2)(b) 757
of this section only if the deceased spouse received old age 758
benefits in the year in which the deceased died. If the deceased 759
spouse did not receive old age benefits in the year in which the 760
deceased died, then survivors benefits are those described in 761
division (C)(2)(a) of this section. 762

(D) "Permanently and totally disabled" means a person who, on 763
the first day of January of the year of application, including 764
late application, for reduction in the assessable value of a 765
manufactured or mobile home, has some impairment in body or mind 766
that makes the person ~~unfit~~ unable to work at any substantially 767
remunerative employment which the person is reasonably able to 768
perform and which will, with reasonable probability, continue for 769
an indefinite period of at least twelve months without any present 770
indication of recovery therefrom or has been certified as 771
permanently and totally disabled by a state or federal agency 772
having the function of so classifying persons. 773

(E) "Homestead exemption" means the reduction in taxes 774
allowed under division (A) of section 323.152 of the Revised Code 775
for the year in which an application is filed under section 776
4503.066 of the Revised Code. 777

(F) "Manufactured home" has the meaning given in division 778
(C)(4) of section 3781.06 of the Revised Code, and includes a 779
structure consisting of two manufactured homes that were purchased 780

either together or separately and are combined to form a single dwelling, but does not include a manufactured home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code.

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

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

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

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

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

(C) "Current total income" means the adjusted gross income of the head of household and the person's spouse for the six-month period beginning the first day of January and ending the thirtieth day of June of 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:

(1) Subtract the amount of disability benefits included in adjusted gross income but not to exceed twenty-six hundred dollars;

(2) Add old age and survivors benefits received pursuant to

the "Social Security Act" that are not included in federal 811
adjusted gross income; 812

(3) Add retirement, pension, annuity, or other retirement 813
payments or benefits not included in federal adjusted gross 814
income; 815

(4) Add payments received pursuant to the "Railroad 816
Retirement Act," 50 Stat. 307, 45 U.S.C. 228; 817

(5) Add interest on federal, state, and local government 818
obligations; 819

(6) For an applicant who received a credit or payment for the 820
preceding heating season on the basis of being permanently and 821
totally disabled and whose application renewal form for the 822
upcoming heating season is made on the basis of attaining 823
sixty-five years of age or older, subtract the following amount: 824

(a) If the applicant received disability benefits that were 825
not included in federal adjusted gross income in the year 826
preceding a year in which the applicant applies for the credit or 827
payment on the basis of attaining sixty-five years of age or 828
older, subtract an amount equal to the disability benefits the 829
applicant received in that preceding year, to the extent included 830
in current total income, as defined in this section, and not 831
subtracted under division (C)(1) of this section in the current 832
year; 833

(b) If the applicant received disability benefits that were 834
included in federal adjusted gross income in the year preceding a 835
year in which the applicant applies for the credit or payment on 836
the basis of attaining sixty-five years of age or older, subtract 837
an amount equal to the amount of disability benefits that were 838
subtracted pursuant to division (C)(1) of this section in that 839
preceding year, to the extent included in current total income, as 840
defined in this section, and not subtracted under division (C)(1) 841

of this section in the current year. 842

Disability benefits paid by the department of veterans' 843
affairs or a branch of the armed forces of the United States on 844
account of an injury or disability are not included in current 845
total income. 846

(D) "Energy company" means every retail propane dealer that 847
distributes propane by pipeline, and every electric light, rural 848
electric, gas, or natural gas company. 849

(E) "Energy dealer" means every retail dealer of fuel oil, 850
propane, coal, wood, and kerosene. 851

(F) "Head of household" means a person who occupies a 852
household as the person's homestead and who is financially 853
responsible for its other occupants, if any, or the spouse of such 854
a person if both occupy the same household. No person is a head of 855
household if the person occupies a household for the taxable year 856
prior to the year in which an application is filed and was claimed 857
as a dependent on the federal income tax return of another 858
occupant of the same household and was not the taxpayer's spouse 859
or if the person could have been claimed if such a return had been 860
filed for such year and was not the other occupant's spouse. 861

(G) "Household" means any dwelling unit, including a unit in 862
a multiple unit dwelling, a manufactured home, or a mobile home, 863
to which utility heating services or energy commodities are 864
provided. 865

(H) "Payment" means the one hundred twenty-five-dollar 866
payment provided under division (A) of section 5117.10 of the 867
Revised Code. 868

(I) "Permanently and totally disabled" refers to a person who 869
has, on the first day of July of the year an application is made, 870
some impairment in body or mind that makes the person ~~unfit~~ unable 871
to work at any substantially remunerative employment that the 872

person would otherwise be reasonably able to perform and that 873
will, with reasonable probability, continue for an indefinite 874
period of at least twelve months without any present indication of 875
recovery therefrom, or who has been certified as permanently and 876
totally disabled by a state or federal agency having the function 877
of so classifying persons. 878

(J) "Sixty-five years of age or older" refers to a person who 879
has attained age sixty-four prior to the first day of January of 880
the year an application is made. 881

(K) "Total income" means the adjusted gross income of the 882
head of household and the person's spouse for the year preceding 883
the year in which an application is made, as determined under the 884
"Internal Revenue Code of 1954," 68A Stat. 3, 26 U.S.C. 1, as 885
amended, adjusted as follows: 886

(1) Subtract the amount of disability benefits included in 887
adjusted gross income but not to exceed fifty-two hundred dollars; 888

(2) Add old age and survivors benefits received pursuant to 889
the "Social Security Act" that are not included in federal 890
adjusted gross income; 891

(3) Add retirement, pension, annuity, or other retirement 892
payments or benefits not included in federal adjusted gross 893
income; 894

(4) Add payments received pursuant to the "Railroad 895
Retirement Act," 50 Stat. 307, 45 U.S.C. 228; 896

(5) Add interest on federal, state, and local government 897
obligations; 898

(6) For an applicant who received a credit or payment for the 899
preceding heating season on the basis of being permanently and 900
totally disabled and whose application renewal form for the 901
upcoming heating season is made on the basis of attaining 902

sixty-five years of age or older, subtract the following amount: 903

(a) If the applicant received disability benefits that were 904
not included in federal adjusted gross income in the year 905
preceding a year in which the applicant applies for the credit or 906
payment on the basis of attaining sixty-five years of age or 907
older, subtract an amount equal to the disability benefits the 908
applicant received in that preceding year, to the extent included 909
in total income, as defined in this section, and not subtracted 910
under division (K)(1) of this section in the current year; 911

(b) If the applicant received disability benefits that were 912
included in federal adjusted gross income in the year preceding a 913
year in which the applicant applies for the credit or payment on 914
the basis of attaining sixty-five years of age or older, subtract 915
an amount equal to the amount of disability benefits that were 916
subtracted pursuant to division (K)(1) of this section in that 917
preceding year, to the extent included in total income, as defined 918
in this section, and not subtracted under division (K)(1) of this 919
section in the current year. 920

Disability benefits paid by the department of veterans' 921
affairs or a branch of the armed forces of the United States on 922
account of an injury or disability shall not be included in total 923
income. 924

(L) "Purchased power costs" means charges for the costs of 925
power purchased by an electric light company under Chapters 4905. 926
and 4909. of the Revised Code and includes charges resulting from 927
the exchange of electric power. 928

Section 2. That existing sections 323.151, 955.011, 2913.01, 929
2913.02, 2921.321, 4503.064, and 5117.01 of the Revised Code are 930
hereby repealed. 931

Section 3. Section 2913.02 of the Revised Code is presented 932

in this act as a composite of the section as amended by Am. Sub. 933
H.B. 7, Am. Sub. H.B. 12, and Sub. H.B. 179, all of the 125th 934
General Assembly. The General Assembly, applying the principle 935
stated in division (B) of section 1.52 of the Revised Code that 936
amendments are to be harmonized if reasonably capable of 937
simultaneous operation, finds that the composite is the resulting 938
version of the section in effect prior to the effective date of 939
the section as presented in this act. 940