

**As Passed by the Senate**

**125th General Assembly**

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**2003-2004**

**Am. Sub. 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, Latta, Brown,  
Chandler, Cirelli, C. Evans, Fessler, Flowers, Hartnett, Hollister, Hoops,  
Otterman, Raussen, Schmidt, Schneider, Taylor, Walcher  
Senators Austria, Amstutz, Fedor, Padgett, Roberts, Spada, Zurz, Blessing,  
Mumper**

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**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 trust. The tax commissioner shall adopt rules for the uniform classification and valuation of real property or portions of real property as homesteads.

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

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

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

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

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

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

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

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

(a) If the person received disability benefits that were not

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~~ 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~~ 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~~ 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, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, typewritten, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.

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

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

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

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

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

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

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

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

(2) A violation of an existing or former municipal ordinance

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 447  
ordnance, a violation of this section is grand theft, a felony of 448  
the third degree, and there is a presumption in favor of the court 449  
imposing a prison term for the offense. The offender shall serve 450  
the prison term consecutively to any other prison term or 451  
mandatory prison term previously or subsequently imposed upon the 452  
offender. 453

(5) If the property stolen is a motor vehicle, a violation of 454  
this section is grand theft of a motor vehicle, a felony of the 455  
fourth degree. 456

(6) If the property stolen is any dangerous drug, a violation 457  
of this section is theft of drugs, a felony of the fourth degree, 458  
or, if the offender previously has been convicted of a felony drug 459  
abuse offense, a felony of the third degree. 460

(7) If the property stolen is a police dog or horse or a 461  
service dog and the offender knows or should know that the 462  
property stolen is a police dog or horse or service dog, a 463  
violation of this section is theft of a police dog or horse or 464  
service dog, a felony of the third degree. 465

(8) In addition to the penalties described in division (B)(2) 466  
of this section, if the offender committed the violation by 467  
causing a motor vehicle to leave the premises of an establishment 468  
at which gasoline is offered for retail sale without the offender 469  
making full payment for gasoline that was dispensed into the fuel 470  
tank of the motor vehicle or into another container, the court may 471  
do one of the following: 472

(a) Unless division (B)~~(7)~~(8)(b) of this section applies, 473  
suspend for not more than six months the offender's driver's 474  
license, probationary driver's license, commercial driver's 475  
license, temporary instruction permit, or nonresident operating 476



privilege; 477

(b) If the offender's driver's license, probationary driver's 478  
license, commercial driver's license, temporary instruction 479  
permit, or nonresident operating privilege has previously been 480  
suspended pursuant to division (B)~~(7)~~(8)(a) of this section, 481  
impose a class seven suspension of the offender's license, permit, 482  
or privilege from the range specified in division (A)(7) of 483  
section 4510.02 of the Revised Code, provided that the suspension 484  
shall be for at least six months. 485

(C) The sentencing court that suspends an offender's license, 486  
permit, or nonresident operating privilege under division 487  
(B)~~(7)~~(8) of this section may grant the offender limited driving 488  
privileges during the period of the suspension in accordance with 489  
Chapter 4510. of the Revised Code. 490

**Sec. 2921.321.** (A) No person shall knowingly cause, or 491  
attempt to cause, physical harm to a police dog or horse in either 492  
of the following circumstances: 493

(1) The police dog or horse is assisting a law enforcement 494  
officer in the performance of the officer's official duties at the 495  
time the physical harm is caused or attempted. 496

(2) The police dog or horse is not assisting a law 497  
enforcement officer in the performance of the officer's official 498  
duties at the time the physical harm is caused or attempted, but 499  
the offender has actual knowledge that the dog or horse is a 500  
police dog or horse. 501

(B) No person shall recklessly do any of the following: 502

(1) Taunt, torment, or strike a police dog or horse; 503

(2) Throw an object or substance at a police dog or horse; 504

(3) Interfere with or obstruct a police dog or horse, or 505  
interfere with or obstruct a law enforcement officer who is being 506

assisted by a police dog or horse, in a manner that does any of 507  
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  
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(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