

# As Reported by the House Criminal Justice Committee

125th General Assembly

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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

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

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

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

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

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

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

property as homesteads.	49
(B) "Sixty-five years of age or older" means a person who has	50
attained age sixty-four prior to the first day of January of the	51
year of application for reduction in real estate taxes.	52
(C) "Total income" means the adjusted gross income of the	53
owner and the owner's spouse for the year preceding the year in	54
which application for a reduction in taxes is made, as determined	55
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	56
U.S.C.A. 1, as amended, adjusted as follows:	57
(1) Subtract the amount of disability benefits included in	58
adjusted gross income, but not to exceed fifty-two hundred	59
dollars;	60
(2) Add old age and survivors benefits received pursuant to	61
the "Social Security Act" that are not included in adjusted gross	62
income;	63
(3) Add retirement, pension, annuity, or other retirement	64
payments or benefits not included in adjusted gross income;	65
(4) Add tier I and tier II railroad retirement benefits	66
received pursuant to the "Railroad Retirement Act," 50 Stat. 307,	67
45 U.S.C.A. 228;	68
(5) Add interest on federal, state, and local government	69
obligations;	70
(6) For a person who received the homestead exemption for a	71
prior year on the basis of being permanently and totally disabled	72
and whose current application for the exemption is made on the	73
basis of age, subtract the following amount:	74
(a) If the person received disability benefits that were not	75
included in adjusted gross income in the year preceding the first	76
year in which the person applied for the exemption on the basis of	77
age, subtract an amount equal to the disability benefits the	78

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

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

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

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

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

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

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

(3) The lesser of: 113

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

meanings as in section 2923.11 of the Revised Code. 387

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

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

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

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

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

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

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

(3) By deception; 404

(4) By threat; 405

(5) By intimidation. 406

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

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

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

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

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

ordnance, a violation of this section is grand theft, a felony of 448  
the 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, a violation of this section is theft of a police dog 462  
or horse or service dog, a felony of the third degree. 463

(8) In addition to the penalties described in division (B)(2) 464  
of this section, if the offender committed the violation by 465  
causing a motor vehicle to leave the premises of an establishment 466  
at which gasoline is offered for retail sale without the offender 467  
making full payment for gasoline that was dispensed into the fuel 468  
tank of the motor vehicle or into another container, the court may 469  
do one of the following: 470

(a) Unless division (B)~~(7)~~(8)(b) of this section applies, 471  
suspend for not more than six months the offender's driver's 472  
license, probationary driver's license, commercial driver's 473  
license, temporary instruction permit, or nonresident operating 474  
privilege; 475

(b) If the offender's driver's license, probationary driver's 476  
license, commercial driver's license, temporary instruction 477  
permit, or nonresident operating privilege has previously been 478

suspended pursuant to division (B)~~(7)~~(8)(a) of this section, 479  
impose a class seven suspension of the offender's license, permit, 480  
or privilege from the range specified in division (A)(7) of 481  
section 4510.02 of the Revised Code, provided that the suspension 482  
shall be for at least six months. 483

(C) The sentencing court that suspends an offender's license, 484  
permit, or nonresident operating privilege under division 485  
(B)~~(7)~~(8) of this section may grant the offender limited driving 486  
privileges during the period of the suspension in accordance with 487  
Chapter 4510. of the Revised Code. 488

**Sec. 2921.321.** (A) No person shall knowingly cause, or 489  
attempt to cause, physical harm to a police dog or horse in either 490  
of the following circumstances: 491

(1) The police dog or horse is assisting a law enforcement 492  
officer in the performance of the officer's official duties at the 493  
time the physical harm is caused or attempted. 494

(2) The police dog or horse is not assisting a law 495  
enforcement officer in the performance of the officer's official 496  
duties at the time the physical harm is caused or attempted, but 497  
the offender has actual knowledge that the dog or horse is a 498  
police dog or horse. 499

(B) No person shall recklessly do any of the following: 500

(1) Taunt, torment, or strike a police dog or horse; 501

(2) Throw an object or substance at a police dog or horse; 502

(3) Interfere with or obstruct a police dog or horse, or 503  
interfere with or obstruct a law enforcement officer who is being 504  
assisted by a police dog or horse, in a manner that does any of 505  
the following: 506

(a) Inhibits or restricts the law enforcement officer's 507  
control of the police dog or horse; 508

(b) Deprives the law enforcement officer of control of the 509  
police dog or horse; 510

(c) Releases the police dog or horse from its area of 511  
control; 512

(d) Enters the area of control of the police dog or horse 513  
without the consent of the law enforcement officer, including 514  
placing food or any other object or substance into that area; 515

(e) Inhibits or restricts the ability of the police dog or 516  
horse to assist a law enforcement officer. 517

(4) Engage in any conduct that is likely to cause serious 518  
physical injury or death to a police dog or horse; 519

(5) If the person is the owner, keeper, or harbinger of a dog, 520  
fail to reasonably restrain the dog from taunting, tormenting, 521  
chasing, approaching in a menacing fashion or apparent attitude of 522  
attack, or attempting to bite or otherwise endanger a police dog 523  
or horse that at the time of the conduct is assisting a law 524  
enforcement officer in the performance of the officer's duties or 525  
that the person knows is a police dog or horse. 526

(C) No person shall knowingly cause, or attempt to cause, 527  
physical harm to a ~~handicapped assistance~~ service dog in either of 528  
the following circumstances: 529

(1) The ~~handicapped assistance~~ service dog is assisting or 530  
serving a blind, deaf, or mobility impaired person or person with 531  
a seizure disorder at the time the physical harm is caused or 532  
attempted. 533

(2) The ~~handicapped assistance~~ service dog is not assisting 534  
or serving a blind, deaf, or mobility impaired person or person 535  
with a seizure disorder at the time the physical harm is caused or 536  
attempted, but the offender has actual knowledge that the dog is a 537  
~~handicapped assistance~~ service dog. 538

<u>(D) No person shall recklessly do any of the following:</u>	539
<u>(1) Taunt, torment, or strike a service dog;</u>	540
<u>(2) Throw an object or substance at a service dog;</u>	541
<u>(3) Interfere with or obstruct a service dog, or interfere</u>	542
<u>with or obstruct a blind, deaf, or mobility impaired person or</u>	543
<u>person with a seizure disorder who is being assisted or served by</u>	544
<u>a service dog, in a manner that does any of the following:</u>	545
<u>(a) Inhibits or restricts the assisted or served person's</u>	546
<u>control of the service dog;</u>	547
<u>(b) Deprives the assisted or served person of control of the</u>	548
<u>service dog;</u>	549
<u>(c) Releases the service dog from its area of control;</u>	550
<u>(d) Enters the area of control of the service dog without the</u>	551
<u>consent of the assisted or served person, including placing food</u>	552
<u>or any other object or substance into that area;</u>	553
<u>(e) Inhibits or restricts the ability of the service dog to</u>	554
<u>assist the assisted or served person.</u>	555
<u>(4) Engage in any conduct that is likely to cause serious</u>	556
<u>physical injury or death to a service dog;</u>	557
<u>(5) If the person is the owner, keeper, or harbinger of a dog,</u>	558
<u>fail to reasonably restrain the dog from taunting, tormenting,</u>	559
<u>chasing, approaching in a menacing fashion or apparent attitude of</u>	560
<u>attack, or attempting to bite or otherwise endanger a service dog</u>	561
<u>that at the time of the conduct is assisting or serving a blind,</u>	562
<u>deaf, or mobility impaired person or person with a seizure</u>	563
<u>disorder or that the person knows is a service dog.</u>	564
<u>(E)(1) Whoever violates division (A) of this section is</u>	565
<u>guilty of assaulting a police dog or horse. Except as otherwise</u>	566
<u>provided in this division, assaulting a police dog or horse is a</u>	567

misdemeanor of the second degree. If the violation results in the 568  
death of the police dog or horse, assaulting a police dog or horse 569  
is a felony of the ~~fourth~~ third degree. If the violation results 570  
in serious physical harm to the police dog or horse other than its 571  
death, assaulting a police dog or horse is a felony of the ~~fifth~~ 572  
fourth degree. If the violation results in physical harm to the 573  
police dog or horse other than death or serious physical harm, 574  
assaulting a police dog or horse is a misdemeanor of the first 575  
degree. 576

(2) Whoever violates division (B) of this section is guilty 577  
of harassing a police dog or horse. Except as otherwise provided 578  
in this division, harassing a police dog or horse is a misdemeanor 579  
of the second degree. If the violation results in the death of the 580  
police dog or horse, harassing a police dog or horse is a felony 581  
of the ~~fourth~~ third degree. If the violation results in serious 582  
physical harm to the police dog or horse but does not result in 583  
its death, harassing a police dog or horse is a felony of the 584  
~~fifth~~ fourth degree. If the violation results in physical harm to 585  
the police dog or horse but does not result in its death or in 586  
serious physical harm to it, harassing a police dog or horse is a 587  
misdemeanor of the first degree. 588

~~(3) Whoever violates division (B) of this section is 589  
responsible for the payment of all of the following: 590~~

~~(a) Any veterinary bills or bills for medication incurred by 591  
the police department as a result of the violation; 592~~

~~(b) Any damaged equipment that result from the violation; 593~~

~~(c) The cost of replacing the police dog or horse and of any 594  
further training of a new police dog or horse by a law enforcement 595  
officer that is required because of the death of or serious 596  
physical harm to the police dog or horse that is the subject of 597  
the violation. 598~~

~~(4)~~ Whoever violates division (C) of this section is guilty 599  
of assaulting a ~~handicapped assistance~~ service dog. Except as 600  
otherwise provided in this division, assaulting a ~~handicapped~~ 601  
~~assistance~~ service dog is a misdemeanor of the second degree. If 602  
the violation results in the death of the service dog, assaulting 603  
a ~~handicapped assistance~~ service dog is a felony of the ~~fourth~~ 604  
third degree. If the violation results in serious physical harm to 605  
the service dog other than its death, assaulting a ~~handicapped~~ 606  
~~assistance~~ service dog is a felony of the ~~fifth~~ fourth degree. If 607  
the violation results in physical harm to the service dog other 608  
than death or serious physical harm, assaulting a ~~handicapped~~ 609  
~~assistance~~ service dog is a misdemeanor of the first degree. 610

(4) Whoever violates division (D) of this section is guilty 611  
of harassing a service dog. Except as otherwise provided in this 612  
division, harassing a service dog is a misdemeanor of the second 613  
degree. If the violation results in the death of the service dog, 614  
harassing a service dog is a felony of the third degree. If the 615  
violation results in serious physical harm to the service dog but 616  
does not result in its death, harassing a service dog is a felony 617  
of the fourth degree. If the violation results in physical harm to 618  
the service dog but does not result in its death or in serious 619  
physical harm to it, harassing a service dog is a misdemeanor of 620  
the first degree. 621

(5) In addition to any other sanction or penalty imposed for 622  
the offense under this section, Chapter 2929., or any other 623  
provision of the Revised Code, whoever violates division (A), (B), 624  
(C), or (D) of this section is responsible for the payment of all 625  
of the following: 626

(a) Any veterinary bill or bill for medication incurred as a 627  
result of the violation by the police department regarding a 628  
violation of division (A) or (B) of this section or by the blind, 629  
deaf, or mobility impaired person or person with a seizure 630

disorder assisted or served by the service dog regarding a 631  
violation of division (C) or (D) of this section; 632

(b) The cost of any damaged equipment that results from the 633  
violation; 634

(c) If the violation did not result in the death of the 635  
police dog or horse or the service dog that was the subject of the 636  
violation and if, as a result of that dog or horse being the 637  
subject of the violation, the dog or horse needs further training 638  
or retraining to be able to continue in the capacity of a police 639  
dog or horse or a service dog, the cost of any further training or 640  
retraining of that dog or horse by a law enforcement officer or by 641  
the blind, deaf, or mobility impaired person or person with a 642  
seizure disorder assisted or served by the service dog; 643

(d) If the violation resulted in the death of the police dog 644  
or horse or the service dog that was the subject of the violation 645  
or resulted in serious physical harm to that dog or horse to the 646  
extent that the dog or horse needs to be replaced on either a 647  
temporary or a permanent basis, the cost of replacing that dog or 648  
horse and of any further training of a new police dog or horse or 649  
a new service dog by a law enforcement officer or by the blind, 650  
deaf, or mobility impaired person or person with a seizure 651  
disorder assisted or served by the service dog, which replacement 652  
or training is required because of the death of or the serious 653  
physical harm to the dog or horse that was the subject of the 654  
violation. 655

~~(E)~~(F) This section does not apply to a licensed veterinarian 656  
whose conduct is in accordance with Chapter 4741. of the Revised 657  
Code. 658

~~(F)~~(G) As used in this section: 659

(1) "Physical harm" means any injury, illness, or other 660  
physiological impairment, regardless of its gravity or duration. 661

(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.

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

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

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

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

(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.

(5) "Blind" and "mobility impaired person" have the same meanings as in section 955.011 of the Revised Code.

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

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

(B) "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	691
adjusted gross income but not to exceed five thousand two hundred	692
dollars;	693
(2) Add old age and survivors benefits received pursuant to	694
the "Social Security Act" that are not included in adjusted gross	695
income;	696
(3) Add retirement, pension, annuity, or other retirement	697
payments or benefits not included in adjusted gross income;	698
(4) Add tier I and II railroad retirement benefits received	699
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C.	700
228;	701
(5) Add interest on federal, state, and local government	702
obligations;	703
(6) For a person who received the homestead exemption for a	704
prior year on the basis of being permanently and totally disabled	705
and whose current application for the exemption is made on the	706
basis of age, subtract the following amount:	707
(a) If the person received disability benefits that were not	708
included in adjusted gross income in the year preceding the first	709
year in which the person applied for the exemption on the basis of	710
age, subtract an amount equal to the disability benefits the	711
person received in that preceding year, to the extent included in	712
total income in the current year and not subtracted under division	713
(B)(1) of this section in the current year;	714
(b) If the person received disability benefits that were	715
included in adjusted gross income in the year preceding the first	716
year in which the person applied for the exemption on the basis of	717
age, subtract an amount equal to the amount of disability benefits	718
that were subtracted pursuant to division (B)(1) of this section	719
in that preceding year, to the extent included in total income in	720

the current year and not subtracted under division (B)(1) of this 721  
section in the current year. 722

Disability benefits that are paid by the department of 723  
veterans affairs or a branch of the armed forces of the United 724  
States on account of an injury or disability shall not be included 725  
in total income. 726

(C) "Old age and survivors benefits received pursuant to the 727  
'Social Security Act'" or "tier I railroad retirement benefits 728  
received pursuant to the 'Railroad Retirement Act'" means: 729

(1) The old age benefits payable under the social security or 730  
railroad retirement laws in effect on the last day of the calendar 731  
year preceding the year in which the applicant's application for 732  
reduction is first successfully made, or, if no such benefits are 733  
payable that year, old age benefits payable the first succeeding 734  
year in which old age benefits under the social security or 735  
railroad retirement laws are payable, except in those cases where 736  
a change in social security or railroad retirement benefits 737  
results in a reduction in income. 738

(2) The lesser of: 739

(a) Survivors benefits payable under the social security or 740  
railroad retirement laws in effect on the last day of the calendar 741  
year preceding the year in which the applicant's application for 742  
reduction is first successfully made, or, if no such benefits are 743  
payable that year, survivors benefits payable the first succeeding 744  
year in which survivors benefits are payable; or 745

(b) Old age benefits of the deceased spouse, as determined 746  
under division (C)(1) of this section, upon which the surviving 747  
spouse's survivors benefits are based under the social security or 748  
railroad retirement laws, except in those cases where a change in 749  
benefits would cause a reduction in income. 750

Survivors benefits are those described in division (C)(2)(b) 751

of this section only if the deceased spouse received old age 752  
benefits in the year in which the deceased died. If the deceased 753  
spouse did not receive old age benefits in the year in which the 754  
deceased died, then survivors benefits are those described in 755  
division (C)(2)(a) of this section. 756

(D) "Permanently and totally disabled" means a person who, on 757  
the first day of January of the year of application, including 758  
late application, for reduction in the assessable value of a 759  
manufactured or mobile home, has some impairment in body or mind 760  
that makes the person ~~unfit~~ unable to work at any substantially 761  
remunerative employment which the person is reasonably able to 762  
perform and which will, with reasonable probability, continue for 763  
an indefinite period of at least twelve months without any present 764  
indication of recovery therefrom or has been certified as 765  
permanently and totally disabled by a state or federal agency 766  
having the function of so classifying persons. 767

(E) "Homestead exemption" means the reduction in taxes 768  
allowed under division (A) of section 323.152 of the Revised Code 769  
for the year in which an application is filed under section 770  
4503.066 of the Revised Code. 771

(F) "Manufactured home" has the meaning given in division 772  
(C)(4) of section 3781.06 of the Revised Code, and includes a 773  
structure consisting of two manufactured homes that were purchased 774  
either together or separately and are combined to form a single 775  
dwelling, but does not include a manufactured home that is taxed 776  
as real property pursuant to division (B) of section 4503.06 of 777  
the Revised Code. 778

(G) "Mobile home" has the meaning given in division (O) of 779  
section 4501.01 of the Revised Code and includes a structure 780  
consisting of two mobile homes that were purchased together or 781  
separately and combined to form a single dwelling, but does not 782  
include a mobile home that is taxed as real property pursuant to 783

division (B) of section 4503.06 of the Revised Code. 784

(H) "Late application" means an application filed with an 785  
original application under division (A)(3) of section 4503.066 of 786  
the Revised Code. 787

**Sec. 5117.01.** As used in sections 5117.01 to 5117.12 of the 788  
Revised Code: 789

(A) "Credit" means the credit on utility heating bills 790  
granted under division (A) of section 5117.09 of the Revised Code. 791

(B) "Current monthly bill" means the amount charged for 792  
energy consumed in the most recent monthly billing period and does 793  
not include any past due balance. 794

(C) "Current total income" means the adjusted gross income of 795  
the head of household and the person's spouse for the six-month 796  
period beginning the first day of January and ending the thirtieth 797  
day of June of the year in which an application is made, as 798  
determined under the "Internal Revenue Code of 1954," 68A Stat. 3, 799  
26 U.S.C. 1, as amended, adjusted as follows: 800

(1) Subtract the amount of disability benefits included in 801  
adjusted gross income but not to exceed twenty-six hundred 802  
dollars; 803

(2) Add old age and survivors benefits received pursuant to 804  
the "Social Security Act" that are not included in federal 805  
adjusted gross income; 806

(3) Add retirement, pension, annuity, or other retirement 807  
payments or benefits not included in federal adjusted gross 808  
income; 809

(4) Add payments received pursuant to the "Railroad 810  
Retirement Act," 50 Stat. 307, 45 U.S.C. 228; 811

(5) Add interest on federal, state, and local government 812

obligations; 813

(6) For an applicant who received a credit or payment for the 814  
preceding heating season on the basis of being permanently and 815  
totally disabled and whose application renewal form for the 816  
upcoming heating season is made on the basis of attaining 817  
sixty-five years of age or older, subtract the following amount: 818

(a) If the applicant received disability benefits that were 819  
not included in federal adjusted gross income in the year 820  
preceding a year in which the applicant applies for the credit or 821  
payment on the basis of attaining sixty-five years of age or 822  
older, subtract an amount equal to the disability benefits the 823  
applicant received in that preceding year, to the extent included 824  
in current total income, as defined in this section, and not 825  
subtracted under division (C)(1) of this section in the current 826  
year; 827

(b) If the applicant received disability benefits that were 828  
included in federal adjusted gross income in the year preceding a 829  
year in which the applicant applies for the credit or payment on 830  
the basis of attaining sixty-five years of age or older, subtract 831  
an amount equal to the amount of disability benefits that were 832  
subtracted pursuant to division (C)(1) of this section in that 833  
preceding year, to the extent included in current total income, as 834  
defined in this section, and not subtracted under division (C)(1) 835  
of this section in the current year. 836

Disability benefits paid by the department of veterans' 837  
affairs or a branch of the armed forces of the United States on 838  
account of an injury or disability are not included in current 839  
total income. 840

(D) "Energy company" means every retail propane dealer that 841  
distributes propane by pipeline, and every electric light, rural 842  
electric, gas, or natural gas company. 843

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

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

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

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

(I) "Permanently and totally disabled" refers to a person who has, on the first day of July of the year an application is made, some impairment in body or mind that makes the person ~~unfit~~ unable to work at any substantially remunerative employment that the person would otherwise be reasonably able to perform and that will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom, or who has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons.

(J) "Sixty-five years of age or older" refers to a person who has attained age sixty-four prior to the first day of January of

the year an application is made. 875

(K) "Total income" means the adjusted gross income of the 876  
head of household and the person's spouse for the year preceding 877  
the year in which an application is made, as determined under the 878  
"Internal Revenue Code of 1954," 68A Stat. 3, 26 U.S.C. 1, as 879  
amended, adjusted as follows: 880

(1) Subtract the amount of disability benefits included in 881  
adjusted gross income but not to exceed fifty-two hundred dollars; 882

(2) Add old age and survivors benefits received pursuant to 883  
the "Social Security Act" that are not included in federal 884  
adjusted gross income; 885

(3) Add retirement, pension, annuity, or other retirement 886  
payments or benefits not included in federal adjusted gross 887  
income; 888

(4) Add payments received pursuant to the "Railroad 889  
Retirement Act," 50 Stat. 307, 45 U.S.C. 228; 890

(5) Add interest on federal, state, and local government 891  
obligations; 892

(6) For an applicant who received a credit or payment for the 893  
preceding heating season on the basis of being permanently and 894  
totally disabled and whose application renewal form for the 895  
upcoming heating season is made on the basis of attaining 896  
sixty-five years of age or older, subtract the following amount: 897

(a) If the applicant received disability benefits that were 898  
not included in federal adjusted gross income in the year 899  
preceding a year in which the applicant applies for the credit or 900  
payment on the basis of attaining sixty-five years of age or 901  
older, subtract an amount equal to the disability benefits the 902  
applicant received in that preceding year, to the extent included 903  
in total income, as defined in this section, and not subtracted 904

under division (K)(1) of this section in the current year; 905

(b) If the applicant received disability benefits that were 906  
included in federal adjusted gross income in the year preceding a 907  
year in which the applicant applies for the credit or payment on 908  
the basis of attaining sixty-five years of age or older, subtract 909  
an amount equal to the amount of disability benefits that were 910  
subtracted pursuant to division (K)(1) of this section in that 911  
preceding year, to the extent included in total income, as defined 912  
in this section, and not subtracted under division (K)(1) of this 913  
section in the current year. 914

Disability benefits paid by the department of veterans' 915  
affairs or a branch of the armed forces of the United States on 916  
account of an injury or disability shall not be included in total 917  
income. 918

(L) "Purchased power costs" means charges for the costs of 919  
power purchased by an electric light company under Chapters 4905. 920  
and 4909. of the Revised Code and includes charges resulting from 921  
the exchange of electric power. 922

**Section 2.** That existing sections 323.151, 955.011, 2913.01, 923  
2913.02, 2921.321, 4503.064, and 5117.01 of the Revised Code are 924  
hereby repealed. 925

**Section 3.** Section 2913.02 of the Revised Code is presented 926  
in this act as a composite of the section as amended by Am. Sub. 927  
H.B. 7, Am. Sub. H.B. 12, and Sub. H.B. 179, all of the 125th 928  
General Assembly. The General Assembly, applying the principle 929  
stated in division (B) of section 1.52 of the Revised Code that 930  
amendments are to be harmonized if reasonably capable of 931  
simultaneous operation, finds that the composite is the resulting 932  
version of the section in effect prior to the effective date of 933  
the section as presented in this act. 934