

**As Passed by the House**

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**Sub. H. B. No. 71**

**Representative White**

**Cosponsors: Representatives McGregor, J., Setzer, Brown, Hagan, J., Seitz,  
Wagoner, Wolpert, Aslanides, Distel, Batchelder, Blessing, Boyd, Chandler,  
Coley, Domenick, Evans, Flowers, Foley, Hagan, R., Hite, Hottinger, Hughes,  
Letson, Luckie, Mallory, Otterman, Schneider, Stebelton, Stewart, D.,  
Webster, Williams, S., Yuko**

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**A B I L L**

To amend sections 955.28 and 959.16, to enact new 1  
section 959.132 and section 959.161, and to repeal 2  
section 959.132 of the Revised Code to provide for 3  
the seizure, impoundment, and disposition of 4  
roosters involved in cockfighting and dogs 5  
involved in dogfighting; to revise requirements 6  
and procedures governing the seizure, impoundment, 7  
and disposition of companion animals that are the 8  
subject of abuse or neglect; and to clarify that 9  
the authority conferred upon a person to kill an 10  
attacking dog does not include the authority to 11  
kill a police dog. 12  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 955.28 and 959.16 be amended and new 14  
section 959.132 and section 959.161 of the Revised Code be enacted 15  
to read as follows: 16

**Sec. 955.28.** (A) Subject to divisions (A)(2) and (3) of 17  
section 955.261 of the Revised Code, a dog that is chasing or 18  
approaching in a menacing fashion or apparent attitude of attack, 19  
that attempts to bite or otherwise endanger, or that kills or 20  
injures a person or a dog that chases, injures, or kills 21  
livestock, poultry, other domestic animal, or other animal, that 22  
is the property of another person, except a cat or another dog 23  
other than a police dog as defined in section 2921.321 of the 24  
Revised Code, can be killed at the time of that chasing, 25  
approaching, attempt, killing, or injury. If, in attempting to 26  
kill such a dog, a person wounds it, ~~he~~ the person is not liable 27  
to prosecution under the penal laws ~~which~~ that punish cruelty to 28  
animals. 29

(B) The owner, keeper, or harbinger of a dog is liable in 30  
damages for any injury, death, or loss to person or property that 31  
is caused by the dog, unless the injury, death, or loss was caused 32  
to the person or property of an individual who, at the time, was 33  
committing or attempting to commit a trespass or other criminal 34  
offense on the property of the owner, keeper, or harbinger, or was 35  
committing or attempting to commit a criminal offense against any 36  
person, or was teasing, tormenting, or abusing the dog on the 37  
owner's, keeper's, or harbinger's property. 38

**Sec. 959.132.** (A) As used in this section: 39

(1) "Companion animal" has the same meaning as in section 40  
959.131 of the Revised Code. 41

(2) "Impounding agency" means a county humane society 42  
organized under section 1717.05 of the Revised Code, an animal 43  
shelter, or a law enforcement agency that has impounded a 44  
companion animal in accordance with this section. 45

(3) "Offense" means a violation of section 959.131 of the 46

Revised Code or an attempt, in violation of section 2923.02 of the 47  
Revised Code, to violate section 959.131 of the Revised Code. 48

(4) "Officer" means any law enforcement officer, agent of a 49  
county humane society, or other person appointed to act as an 50  
animal control officer for a municipal corporation, or township in 51  
accordance with state law, an ordinance, or a resolution. 52

(B) An officer may seize and cause to be impounded at an 53  
impounding agency a companion animal that the officer has 54  
reasonable cause to believe is the subject of an offense. No 55  
officer or impounding agency shall impound a companion animal that 56  
is the subject of an offense in a shelter owned, operated, or 57  
controlled by a board of county commissioners pursuant to Chapter 58  
955. of the Revised Code unless the board, by resolution, 59  
authorizes the impoundment of such a companion animal in a shelter 60  
owned, operated, or controlled by that board and has executed, in 61  
the case when the officer is other than a dog warden or assistant 62  
dog warden, a contract specifying the terms and conditions of the 63  
impoundment. 64

(C) The officer shall give written notice of the seizure and 65  
impoundment by posting the notice on the door of the residence or 66  
in another conspicuous place on the premises at which a companion 67  
animal was seized or by giving it in person to the owner, keeper, 68  
or harbinger of the companion animal. The notice shall include 69  
information concerning the opportunity to post a bond or cash 70  
deposit under division (E) of this section not later than ten days 71  
after the notice is provided in order to prevent disposition of 72  
the companion animal by the impounding agency and the opportunity 73  
to request a hearing under division (F) of this section not later 74  
than ten days after the notice is provided. 75

(D) A companion animal that is seized under this section may 76  
be humanely destroyed immediately or at any time during 77  
impoundment if a licensed veterinarian determines it to be 78

necessary because the companion animal is suffering. 79

(E) The owner of an impounded companion animal may post, not 80  
later than ten days after the notice of seizure and impoundment is 81  
provided, a bond or cash deposit with the court in an amount that 82  
the court, in consultation with the impounding agency, determines 83  
is sufficient to provide for the companion animal's care and 84  
keeping for not less than thirty days beginning on the date on 85  
which the companion animal was impounded. The owner may renew a 86  
bond or cash deposit by posting, not later than ten days following 87  
the expiration of the period for which a previous bond or cash 88  
deposit was posted, a new bond or cash deposit in an amount that 89  
the court, in consultation with the impounding agency, determines 90  
is sufficient to provide for the companion animal's care and 91  
keeping for not less than thirty days beginning on the date on 92  
which the previous period expired. If no bond or cash deposit is 93  
posted or if a bond or cash deposit expires and is not renewed, 94  
the impounding agency may determine the disposition of the 95  
companion animal unless the court issues an order that specifies 96  
otherwise. 97

(F)(1) The owner of a companion animal that has been seized 98  
and impounded pursuant to this section may file, not later than 99  
ten days after the notice of seizure and impoundment is provided, 100  
a motion requesting a hearing with the clerk of the court in which 101  
charges are pending that were filed under section 959.131 of the 102  
Revised Code or under section 2923.02 of the Revised Code as it 103  
applies to that section and that involve the impounded companion 104  
animal. Upon receipt of such a request, the court shall hold a 105  
hearing within ten days or at the next available court date to 106  
determine whether probable cause exists to believe that a 107  
violation of the applicable section occurred. 108

(2) If the court determines that probable cause does not 109  
exist, the court immediately shall order the impounding agency to 110

return the companion animal to its owner if possible and to return 111  
the entire amount of any bond or cash deposit posted under 112  
division (E) of this section. If the companion animal cannot be 113  
returned, the court shall order the impounding agency to pay the 114  
owner an amount determined by the court to be equal to the 115  
reasonable market value of the companion animal at the time that 116  
it was impounded plus statutory interest as defined in section 117  
1343.03 of the Revised Code from the date of the impoundment. The 118  
requirements established in division (F)(2) of this section 119  
regarding the return of a bond or cash deposit and the payment of 120  
the reasonable market value of the companion animal shall not 121  
apply in the case of a dog that, in violation of section 955.01 of 122  
the Revised Code, was not registered at the time it was seized and 123  
impounded. 124

(3) If the court determines that probable cause exists to 125  
believe that a violation occurred, the case shall continue and, 126  
unless the companion animal's owner has posted a current bond or 127  
cash deposit, the impounding agency may arrange for the 128  
disposition of the companion animal. 129

(G) If a person is convicted of committing an offense, the 130  
court may impose the following additional penalties against the 131  
person: 132

(1) A requirement that the person pay for the costs incurred 133  
by the impounding agency in caring for a companion animal involved 134  
in the applicable offense, provided that the costs were incurred 135  
during the companion animal's impoundment and have not been 136  
covered by a bond or cash deposit posted under this section; 137

(2) An order permanently terminating the person's right to 138  
possession, title, custody, or care of the companion animal that 139  
was involved in the offense. If the court issues such an order, 140  
the court shall order the disposition of the companion animal. 141

(H) If a person is found not guilty of committing an offense, 142  
the court immediately shall order the impounding agency to return 143  
the companion animal to its owner if possible and to return the 144  
entire amount of any bond or cash deposit posted under division 145  
(E) of this section. If the companion animal cannot be returned, 146  
the court shall order the impounding agency to pay the owner an 147  
amount determined by the court to be equal to the reasonable 148  
market value of the companion animal at the time that it was 149  
impounded plus statutory interest as defined in section 1343.03 of 150  
the Revised Code from the date of the impoundment. The 151  
requirements established in this division regarding the return of 152  
a bond or cash deposit and the payment of the reasonable market 153  
value of the companion animal shall not apply in the case of a dog 154  
that, in violation of section 955.01 of the Revised Code, was not 155  
registered at the time it was seized and impounded. 156

**Sec. 959.16.** (A) No person shall knowingly do any of the 157  
following: 158

(1) Promote, engage in, or be employed at dogfighting; 159

(2) Receive money or anything else of value for the admission 160  
of another person to a dogfighting event or a place kept for 161  
dogfighting; 162

(3) Sell, purchase, possess, or train a dog for dogfighting; 163

(4) Use, train, or possess a dog for seizing, detaining, or 164  
maltreating a domestic animal; 165

(5) ~~Purchase a ticket of~~ Pay money or give anything else of 166  
value in exchange for admission to ~~or be present at~~ a dogfight; 167

(6) Witness a dogfight if it is presented as a public 168  
spectacle. 169

(B) The department of agriculture may investigate complaints 170  
and follow up rumors of dogfighting activities and may report any 171

information so gathered to an appropriate prosecutor or law enforcement agency.

(C) Any peace officer, as defined in section 2935.01 of the Revised Code, shall confiscate ~~any dogs that have been, are, or are intended to be used in dogfighting~~ and any equipment or devices used in training such dogs that have been, are, or are intended to be used in dogfighting and any equipment or devices used as part of dogfights. The seizure and impoundment of such dogs shall be conducted in accordance with section 959.161 of the Revised Code.

Sec. 959.161. (A) As used in this section:

(1) "Fighting animal" means either of the following:

(a) A rooster that a peace officer has reasonable cause to believe has been, is, or is intended to be used in cockfighting in violation of section 959.15 of the Revised Code;

(b) A dog that a peace officer has reasonable cause to believe has been, is, or is intended to be used in dogfighting in violation of section 959.16 of the Revised Code.

(2) "Impounding entity" means the entity that has possession of an impounded fighting animal during its impoundment.

(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(4) "Violation" means a violation of section 959.15 of the Revised Code involving cockfighting, a violation of section 959.16 of the Revised Code, or an attempt, in violation of section 2923.02 of the Revised Code, to violate either of those provisions.

(B) A peace officer may seize and cause to be impounded with an impounding entity a fighting animal that the peace officer has reasonable cause to believe is involved in a violation.

(C) A fighting animal that is seized under this section may 202  
be humanely destroyed under either of the following circumstances: 203

(1) During its seizure if it is necessary because the 204  
fighting animal is suffering; 205

(2) At any time during its impoundment if a licensed 206  
veterinarian determines it to be necessary because the fighting 207  
animal is suffering. 208

(D) Procedures, requirements, and other provisions that are 209  
established in divisions (C), (E), (F), (G), and (H) of section 210  
959.132 of the Revised Code shall apply to the seizure, 211  
impoundment, and disposition of a fighting animal. For purposes of 212  
that application, references in those divisions of section 959.132 213  
of the Revised Code to "companion animal," "impounding agency," 214  
"officer," and "offense" shall be deemed to be replaced, 215  
respectively, with references to "fighting animal," "impounding 216  
entity," "peace officer," and "violation" as defined in this 217  
section. Likewise, references in those divisions of section 218  
959.132 of the Revised Code to "section 959.131 of the Revised 219  
Code" shall be deemed to be replaced with references to the 220  
cockfighting provisions of section 959.15 of the Revised Code or 221  
to section 959.16 of the Revised Code, as applicable. 222

**Section 2.** That existing sections 955.28 and 959.16 and 223  
section 959.132 of the Revised Code are hereby repealed. 224