

**As Passed by the Senate**

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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**

**Senators Faber, Wilson, Mumper, Grendell, Cates, Spada, Harris, Kearney**

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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 dogs 4  
involved in dogfighting; to revise requirements 5  
and procedures governing the seizure, impoundment, 6  
and disposition of companion animals that are the 7  
subject of abuse or neglect; and to allow a law 8  
enforcement officer to kill a dog that attacks a 9  
police dog. 10

**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 11  
section 959.132 and section 959.161 of the Revised Code be enacted 12  
to read as follows: 13

**Sec. 955.28.** (A) Subject to divisions (A)(2) and (3) of 14

section 955.261 of the Revised Code, a dog that is chasing or 15  
approaching in a menacing fashion or apparent attitude of attack, 16  
that attempts to bite or otherwise endanger, or that kills or 17  
injures a person or a dog that chases, threatens, harasses, 18  
injures, or kills livestock, poultry, other domestic animal, or 19  
other animal, that is the property of another person, except a cat 20  
or another dog, can be killed at the time of that chasing, 21  
threatening, harassment, approaching, attempt, killing, or injury. 22  
If, in attempting to kill such a dog, a person wounds it, ~~he~~ the 23  
person is not liable to prosecution under the penal laws ~~which~~ 24  
that punish cruelty to animals. Nothing in this section precludes 25  
a law enforcement officer from killing a dog that attacks a police 26  
dog as defined in section 2921.321 of the Revised Code. 27

(B) The owner, keeper, or harborer of a dog is liable in 28  
damages for any injury, death, or loss to person or property that 29  
is caused by the dog, unless the injury, death, or loss was caused 30  
to the person or property of an individual who, at the time, was 31  
committing or attempting to commit a criminal trespass or ~~either~~ 32  
another criminal offense other than a minor misdemeanor on the 33  
property of the owner, keeper, or harborer, or was committing or 34  
attempting to commit a criminal offense other than a minor 35  
misdemeanor against any person, or was teasing, tormenting, or 36  
abusing the dog on the owner's, keeper's, or harborer's property. 37  
Additionally, the owner, keeper, or harborer of a dog is liable in 38  
damages for any injury, death, or loss to person or property that 39  
is caused by the dog if the injury, death, or loss was caused to 40  
the person or property of an individual who, at the time of the 41  
injury, death, or loss, was on the property of the owner, keeper, 42  
or harborer solely for the purpose of engaging in door-to-door 43  
sales or other solicitations regardless of whether the individual 44  
was in compliance with any requirement to obtain a permit or 45  
license to engage in door-to-door sales or other solicitations 46  
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established by the political subdivision in which the property of 48  
the owner, keeper, or harborer is located, provided that the 49  
person was not committing a criminal offense other than a minor 50  
misdemeanor or was not teasing, tormenting, or abusing the dog. 51

**Sec. 959.132.** (A) As used in this section: 52

(1) "Companion animal" has the same meaning as in section 53  
959.131 of the Revised Code. 54

(2) "Impounding agency" means a county humane society 55  
organized under section 1717.05 of the Revised Code, an animal 56  
shelter, or a law enforcement agency that has impounded a 57  
companion animal in accordance with this section. 58

(3) "Offense" means a violation of section 959.131 of the 59  
Revised Code or an attempt, in violation of section 2923.02 of the 60  
Revised Code, to violate section 959.131 of the Revised Code. 61

(4) "Officer" means any law enforcement officer, agent of a 62  
county humane society, or other person appointed to act as an 63  
animal control officer for a municipal corporation or township in 64  
accordance with state law, an ordinance, or a resolution. 65

(B) An officer may seize and cause to be impounded at an 66  
impounding agency a companion animal that the officer has probable 67  
cause to believe is the subject of an offense. No officer or 68  
impounding agency shall impound a companion animal that is the 69  
subject of an offense in a shelter owned, operated, or controlled 70  
by a board of county commissioners pursuant to Chapter 955. of the 71  
Revised Code unless the board, by resolution, authorizes the 72  
impoundment of such a companion animal in a shelter owned, 73  
operated, or controlled by that board and has executed, in the 74  
case when the officer is other than a dog warden or assistant dog 75  
warden, a contract specifying the terms and conditions of the 76  
impoundment. 77

(C) The officer shall give written notice of the seizure and 78  
impoundment to the owner, keeper, or harbinger of the companion 79  
animal that was seized and impounded. If the officer is unable to 80  
give the notice to the owner, keeper, or harbinger of the companion 81  
animal, the officer shall post the notice on the door of the 82  
residence or in another conspicuous place on the premises at which 83  
the companion animal was seized. The notice shall include a 84  
statement that a hearing will be held not later than ten days 85  
after the notice is provided or at the next available court date 86  
to determine whether the officer had probable cause to seize the 87  
companion animal and, if applicable, to determine the amount of a 88  
bond or cash deposit that is needed to provide for the companion 89  
animal's care and keeping for not less than thirty days beginning 90  
on the date on which the companion animal was impounded. 91

(D) A companion animal that is seized under this section may 92  
be humanely destroyed immediately or at any time during 93  
impoundment if a licensed veterinarian determines it to be 94  
necessary because the companion animal is suffering. 95

(E)(1) Not later than ten days after notice is provided or at 96  
the next available court date, the court shall hold a hearing to 97  
determine whether the officer impounding a companion animal had 98  
probable cause to seize the companion animal. If the court 99  
determines that probable cause exists, the court shall determine 100  
the amount of a bond or cash deposit that is needed to provide for 101  
the companion animal's care and keeping for not less than thirty 102  
days beginning on the date on which the companion animal was 103  
impounded. 104

(2) If the court determines that probable cause does not 105  
exist, the court immediately shall order the impounding agency to 106  
return the companion animal to its owner if possible. If the 107  
companion animal cannot be returned because it has died as a 108  
result of neglect or other misconduct by the impounding agency or 109

if the companion animal is injured as a result of neglect or other 110  
misconduct by the impounding agency, the court shall order the 111  
impounding agency to pay the owner an amount determined by the 112  
court to be equal to the reasonable market value of the companion 113  
animal at the time that it was impounded plus statutory interest 114  
as defined in section 1343.03 of the Revised Code from the date of 115  
the impoundment or an amount determined by the court to be equal 116  
to the reasonable cost of treatment of the injury to the companion 117  
animal, as applicable. The requirement established in division 118  
(E)(2) of this section regarding the payment of the reasonable 119  
market value of the companion animal shall not apply in the case 120  
of a dog that, in violation of section 955.01 of the Revised Code, 121  
was not registered at the time it was seized and impounded. 122

123  
(3) If the court determines that probable cause exists and 124  
determines the amount of a bond or cash deposit, the case shall 125  
continue and the owner shall post a bond or cash deposit to 126  
provide for the companion animal's care and keeping for not less 127  
than thirty days beginning on the date on which the companion 128  
animal was impounded. The owner may renew a bond or cash deposit 129  
by posting, not later than ten days following the expiration of 130  
the period for which a previous bond or cash deposit was posted, a 131  
new bond or cash deposit in an amount that the court, in 132  
consultation with the impounding agency, determines is sufficient 133  
to provide for the companion animal's care and keeping for not 134  
less than thirty days beginning on the date on which the previous 135  
period expired. If no bond or cash deposit is posted or if a bond 136  
or cash deposit expires and is not renewed, the impounding agency 137  
may determine the disposition of the companion animal unless the 138  
court issues an order that specifies otherwise. 139

(F) If a person is convicted of committing an offense, the 140  
court may impose the following additional penalties against the 141

person: 142

(1) A requirement that the person pay for the costs incurred 143  
by the impounding agency in caring for a companion animal involved 144  
in the applicable offense, provided that the costs were incurred 145  
during the companion animal's impoundment. A bond or cash deposit 146  
posted under this section may be applied to the costs. 147

(2) An order permanently terminating the person's right to 148  
possession, title, custody, or care of the companion animal that 149  
was involved in the offense. If the court issues such an order, 150  
the court shall order the disposition of the companion animal. 151

(G) If a person is found not guilty of committing an offense, 152  
the court immediately shall order the impounding agency to return 153  
the companion animal to its owner if possible and to return the 154  
entire amount of any bond or cash deposit posted under division 155  
(E) of this section. If the companion animal cannot be returned 156  
because it has died as a result of neglect or other misconduct by 157  
the impounding agency or if the companion animal is injured as a 158  
result of neglect or other misconduct by the impounding agency, 159  
the court shall order the impounding agency to pay the owner an 160  
amount determined by the court to be equal to the reasonable 161  
market value of the companion animal at the time that it was 162  
impounded plus statutory interest as defined in section 1343.03 of 163  
the Revised Code from the date of the impoundment or an amount 164  
determined by the court to be equal to the reasonable cost of 165  
treatment of the injury to the companion animal, as applicable. 166  
The requirements established in this division regarding the return 167  
of a bond or cash deposit and the payment of the reasonable market 168  
value of the companion animal shall not apply in the case of a dog 169  
that, in violation of section 955.01 of the Revised Code, was not 170  
registered at the time it was seized and impounded. 171

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(H) If charges are filed under section 959.131 of the Revised 173

Code against the custodian or caretaker of a companion animal, but 174  
the companion animal that is the subject of the charges is not 175  
impounded, the court in which the charges are pending may order 176  
the owner or person having custody of the companion animal to 177  
provide to the companion animal the necessities described in 178  
division (C)(2) of section 959.131 of the Revised Code until the 179  
final disposition of the charges. If the court issues an order of 180  
that nature, the court also may authorize an officer or another 181  
person to visit the place where the companion animal is being 182  
kept, at the times and under the conditions that the court may 183  
set, to determine whether the companion animal is receiving those 184  
necessities and to remove and impound the companion animal if the 185  
companion animal is not receiving those necessities. 186

**Sec. 959.16.** (A) No person shall knowingly do any of the 187  
following: 188

(1) Promote, engage in, or be employed at dogfighting; 189

(2) Receive money or anything else of value for the admission 190  
of another person to a dogfighting event or a place kept for 191  
dogfighting; 192

(3) Sell, purchase, possess, or train a dog for dogfighting; 193

(4) Use, train, or possess a dog for seizing, detaining, or 194  
maltreating a domestic animal; 195

(5) ~~Purchase a ticket of~~ Pay money or give anything else of 196  
value in exchange for admission to or be present at a dogfight; 197

(6) Witness a dogfight if it is presented as a public 198  
spectacle. 199

(B) The department of agriculture may investigate complaints 200  
and follow up rumors of dogfighting activities and may report any 201  
information so gathered to an appropriate prosecutor or law 202  
enforcement agency. 203

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

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

(1) "Fighting dog" means a dog that a peace officer has probable 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 dog 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 959.16 of the Revised Code or an attempt, in violation of section 2923.02 of the Revised Code, to violate section 959.16 of the Revised Code.

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

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

(1) During its seizure if it is necessary because the fighting dog is suffering;

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

(D) Procedures, requirements, and other provisions that are



established in divisions (C), (E), (F), and (G) of section 959.132 233  
of the Revised Code shall apply to the seizure, impoundment, and 234  
disposition of a fighting dog. For purposes of that application, 235  
references in those divisions of section 959.132 of the Revised 236  
Code to "companion animal," "impounding agency," "officer," and 237  
"offense" shall be deemed to be replaced, respectively, with 238  
references to "fighting dog," "impounding entity," "peace 239  
officer," and "violation" as defined in this section. Likewise, 240  
references in those divisions of section 959.132 of the Revised 241  
Code to "section 959.131 of the Revised Code" shall be deemed to 242  
be replaced with references to section 959.16 of the Revised Code, 243  
as applicable. 244

**Section 2.** That existing sections 955.28 and 959.16 and 245  
section 959.132 of the Revised Code are hereby repealed. 246