

**As Reported by the House Agriculture and Natural Resources
Committee**

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Sub. H. B. No. 71

Representative White

**Cosponsors: Representatives McGregor, J., Setzer, Brown, Hagan, J., Seitz,
Wagoner, Wolpert, Aslanides, Distel**

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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 harborer 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 harborer, 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 harborer'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 172
enforcement agency. 173

(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 be humanely destroyed under either of the following circumstances:

(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