

As Reported by the Senate Agriculture Committee

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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

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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 harbinger of a dog is liable in 28
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damages for any injury, death, or loss to person or property that 30
is caused by the dog, unless the injury, death, or loss was caused 31
to the person or property of an individual who, at the time, was 32
committing or attempting to commit a criminal trespass or ~~either~~ 33
another criminal offense other than a minor misdemeanor on the 34
property of the owner, keeper, or harbinger, or was committing or 35
attempting to commit a criminal offense other than a minor 36
misdemeanor against any person, or was teasing, tormenting, or 37
abusing the dog on the owner's, keeper's, or harbinger's property. 38
Additionally, the owner, keeper, or harbinger of a dog is liable in 39
damages for any injury, death, or loss to person or property that 40
is caused by the dog if the injury, death, or loss was caused to 41
the person or property of an individual who, at the time of the 42
injury, death, or loss, was on the property of the owner, keeper, 43
or harbinger solely for the purpose of engaging in door-to-door 44
sales or other solicitations regardless of whether the individual 45
was in compliance with any requirement to obtain a permit or 46
license to engage in door-to-door sales or other solicitations 47

established by the political subdivision in which the property of 48
the owner, keeper, or harbinger 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

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(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