

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 541

Representatives Winburn, Blair

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A B I L L

To amend sections 109.73, 955.11, 955.12, 955.22, 1
955.222, and 955.99 and to enact sections 955.13, 2
955.223, and 955.60 of the Revised Code to revise 3
provisions of the Dogs Law governing nuisance, 4
dangerous, and vicious dogs and confinement and 5
restraint of dogs, to revise enforcement of that 6
Law, to require the Attorney General to establish 7
a registry of violations of that Law and related 8
complaints, and to establish a notification 9
process regarding complaints. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.73, 955.11, 955.12, 955.22, 11
955.222, and 955.99 be amended and sections 955.13, 955.223, and 12
955.60 of the Revised Code be enacted to read as follows: 13

Sec. 109.73. (A) The Ohio peace officer training commission 14
shall recommend rules to the attorney general with respect to all 15
of the following: 16

(1) The approval, or revocation of approval, of peace officer 17
training schools administered by the state, counties, municipal 18
corporations, public school districts, technical college 19
districts, and the department of natural resources; 20

(2) Minimum courses of study, attendance requirements, and 21
equipment and facilities to be required at approved state, county, 22
municipal, and department of natural resources peace officer 23
training schools; 24

(3) Minimum qualifications for instructors at approved state, 25
county, municipal, and department of natural resources peace 26
officer training schools; 27

(4) The requirements of minimum basic training that peace 28
officers appointed to probationary terms shall complete before 29
being eligible for permanent appointment, which requirements shall 30
include training in the handling of the offense of domestic 31
violence, other types of domestic violence-related offenses and 32
incidents, and protection orders and consent agreements issued or 33
approved under section 2919.26 or 3113.31 of the Revised Code; 34
crisis intervention training; and training in the handling of 35
missing children and child abuse and neglect cases; and training 36
in handling violations of section 2905.32 of the Revised Code; and 37
the time within which such basic training shall be completed 38
following appointment to a probationary term; 39

(5) The requirements of minimum basic training that peace 40
officers not appointed for probationary terms but appointed on 41
other than a permanent basis shall complete in order to be 42
eligible for continued employment or permanent appointment, which 43
requirements shall include training in the handling of the offense 44
of domestic violence, other types of domestic violence-related 45
offenses and incidents, and protection orders and consent 46
agreements issued or approved under section 2919.26 or 3113.31 of 47
the Revised Code, crisis intervention training, and training in 48
the handling of missing children and child abuse and neglect 49
cases, and training in handling violations of section 2905.32 of 50
the Revised Code, and the time within which such basic training 51
shall be completed following appointment on other than a permanent 52

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| basis; | 53 |
| (6) Categories or classifications of advanced in-service training programs for peace officers, including programs in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, in crisis intervention, and in the handling of missing children and child abuse and neglect cases, and in handling violations of section 2905.32 of the Revised Code, and minimum courses of study and attendance requirements with respect to such categories or classifications; | 54 55 56 57 58 59 60 61 62 63 |
| (7) Permitting persons, who are employed as members of a campus police department appointed under section 1713.50 of the Revised Code; who are employed as police officers by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code; who are appointed and commissioned as bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions police officers, as railroad police officers, or as hospital police officers pursuant to sections 4973.17 to 4973.22 of the Revised Code; or who are appointed and commissioned as amusement park police officers pursuant to section 4973.17 of the Revised Code, to attend approved peace officer training schools, including the Ohio peace officer training academy, and to receive certificates of satisfactory completion of basic training programs, if the private college or university that established the campus police department; qualified nonprofit corporation police department; bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions; railroad company; hospital; or amusement park sponsoring the police officers pays the entire cost of the training and certification | 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 |

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| and if trainee vacancies are available; | 85 |
| (8) Permitting undercover drug agents to attend approved | 86 |
| peace officer training schools, other than the Ohio peace officer | 87 |
| training academy, and to receive certificates of satisfactory | 88 |
| completion of basic training programs, if, for each undercover | 89 |
| drug agent, the county, township, or municipal corporation that | 90 |
| employs that undercover drug agent pays the entire cost of the | 91 |
| training and certification; | 92 |
| (9)(a) The requirements for basic training programs for | 93 |
| bailiffs and deputy bailiffs of courts of record of this state and | 94 |
| for criminal investigators employed by the state public defender | 95 |
| that those persons shall complete before they may carry a firearm | 96 |
| while on duty; | 97 |
| (b) The requirements for any training received by a bailiff | 98 |
| or deputy bailiff of a court of record of this state or by a | 99 |
| criminal investigator employed by the state public defender prior | 100 |
| to June 6, 1986, that is to be considered equivalent to the | 101 |
| training described in division (A)(9)(a) of this section. | 102 |
| (10) Establishing minimum qualifications and requirements for | 103 |
| certification for dogs utilized by law enforcement agencies; | 104 |
| (11) Establishing minimum requirements for certification of | 105 |
| persons who are employed as correction officers in a full-service | 106 |
| jail, five-day facility, or eight-hour holding facility or who | 107 |
| provide correction services in such a jail or facility; | 108 |
| (12) Establishing requirements for the training of agents of | 109 |
| a county humane society under section 1717.06 of the Revised Code, | 110 |
| including, without limitation, a requirement that the agents | 111 |
| receive instruction on traditional animal husbandry methods and | 112 |
| training techniques, including customary owner-performed | 113 |
| practices; | 114 |
| <u>(13) Establishing requirements for the training of dog</u> | 115 |

wardens and deputies for the purposes of division (E) of section 116
955.12 of the Revised Code. 117

(B) The commission shall appoint an executive director, with 118
the approval of the attorney general, who shall hold office during 119
the pleasure of the commission. The executive director shall 120
perform such duties assigned by the commission. The executive 121
director shall receive a salary fixed pursuant to Chapter 124. of 122
the Revised Code and reimbursement for expenses within the amounts 123
available by appropriation. The executive director may appoint 124
officers, employees, agents, and consultants as the executive 125
director considers necessary, prescribe their duties, and provide 126
for reimbursement of their expenses within the amounts available 127
for reimbursement by appropriation and with the approval of the 128
commission. 129

(C) The commission may do all of the following: 130

(1) Recommend studies, surveys, and reports to be made by the 131
executive director regarding the carrying out of the objectives 132
and purposes of sections 109.71 to 109.77 of the Revised Code; 133

(2) Visit and inspect any peace officer training school that 134
has been approved by the executive director or for which 135
application for approval has been made; 136

(3) Make recommendations, from time to time, to the executive 137
director, the attorney general, and the general assembly regarding 138
the carrying out of the purposes of sections 109.71 to 109.77 of 139
the Revised Code; 140

(4) Report to the attorney general from time to time, and to 141
the governor and the general assembly at least annually, 142
concerning the activities of the commission; 143

(5) Establish fees for the services the commission offers 144
under sections 109.71 to 109.79 of the Revised Code, including, 145
but not limited to, fees for training, certification, and testing; 146

(6) Perform such other acts as are necessary or appropriate 147
to carry out the powers and duties of the commission as set forth 148
in sections 109.71 to 109.77 of the Revised Code. 149

(D) In establishing the requirements, under division (A)(12) 150
of this section, the commission may consider any portions of the 151
curriculum for instruction on the topic of animal husbandry 152
practices, if any, of the Ohio state university college of 153
veterinary medicine. No person or entity that fails to provide 154
instruction on traditional animal husbandry methods and training 155
techniques, including customary owner-performed practices, shall 156
qualify to train a humane agent for appointment under section 157
1717.06 of the Revised Code. 158

Sec. 955.11. (A) As used in this section: 159

(1)(a) "Dangerous dog" means a dog that, ~~without provocation,~~ 160
~~and subject to division (A)(1)(b) of this section,~~ has done any of 161
the following: 162

(i) Caused injury, ~~other than killing~~ or serious injury, 163
other than killing, to any person; 164

(ii) ~~Killed another dog~~ Caused injury or serious injury, 165
other than killing, to any companion animal; 166

(iii) Been the subject of a third or subsequent violation of 167
division (C) of section 955.22 of the Revised Code. 168

(b) "Dangerous dog" does not include a either of the 169
following: 170

(i) A police dog that has caused injury, other than killing 171
or serious injury, other than killing, to any person or ~~has killed~~ 172
~~another dog~~ any companion animal while the police dog is being 173
used to assist one or more law enforcement officers in the 174
performance of their official duties; 175

(ii) A dog that has caused injury or serious injury to any 176

person while a person was committing or attempting to commit a 177
trespass or other criminal offense on the property of the owner, 178
keeper, or harbinger of the dog. 179

(2) "Menacing fashion" means that a dog would cause any 180
person being chased or approached to reasonably believe that the 181
dog will cause physical injury to that person. 182

(3)(a) ~~Subject to division (A)(3)(b) of this section,~~ 183
"nuisance Nuisance dog" means a dog that ~~without provocation and~~ 184
while off the premises of its owner, keeper, or harbinger has 185
chased or approached a person in either a menacing fashion or an 186
apparent attitude of attack or has attempted to bite or otherwise 187
endanger any person. 188

(b) "Nuisance dog" does not include a police dog that while 189
being used to assist one or more law enforcement officers in the 190
performance of official duties has chased or approached a person 191
in either a menacing fashion or an apparent attitude of attack or 192
has attempted to bite or otherwise endanger any person. 193

(4) "Police dog" means a dog that has been trained, and may 194
be used, to assist one or more law enforcement officers in the 195
performance of their official duties. 196

(5) "Serious injury" means any of the following: 197

(a) Any physical harm that carries a substantial risk of 198
death; 199

(b) Any physical harm that involves a permanent incapacity, 200
whether partial or total, or a temporary, substantial incapacity; 201

(c) Any physical harm that involves a permanent disfigurement 202
or a temporary, serious disfigurement; 203

(d) Any physical harm that involves acute pain of a duration 204
that results in substantial suffering or any degree of prolonged 205
or intractable pain. 206

(6)(a) "~~Vicious dog~~" means a dog that, ~~without provocation~~ 207
~~and subject to division (A)(6)(b) of this section,~~ has killed or 208
~~caused serious injury to~~ any person or any companion animal. 209

(b) "Vicious dog" does not include either of the following: 210

(i) A police dog that has killed ~~or caused serious injury to~~ 211
any person or companion animal while the police dog is being used 212
to assist one or more law enforcement officers in the performance 213
of their official duties; 214

(ii) A dog that has killed ~~or caused serious injury to~~ any 215
person or companion animal while a person was committing or 216
attempting to commit a trespass or other criminal offense on the 217
property of the owner, keeper, or harbinger of the dog. 218

(7) "~~Without provocation~~" means that a dog was not teased, 219
~~tormented, or abused by a person, or that the dog was not coming~~ 220
~~to the aid or the defense of a person who was not engaged in~~ 221
~~illegal or criminal activity and who was not using the dog as a~~ 222
~~means of carrying out such activity~~ "Companion animal" has the 223
same meaning as in section 959.131 of the Revised Code. 224

(B) Upon the transfer of ownership of any dog, the seller of 225
the dog shall give the buyer a transfer of ownership certificate 226
that shall be signed by the seller. The certificate shall contain 227
the registration number of the dog, the name of the seller, and a 228
brief description of the dog. Blank forms of the certificate may 229
be obtained from the county auditor. A transfer of ownership shall 230
be recorded by the auditor upon presentation of a transfer of 231
ownership certificate that is signed by the former owner of a dog 232
and that is accompanied by a fee of five dollars. 233

(C) Prior to the transfer of ownership or possession of any 234
dog, upon the buyer's or other transferee's request, the seller or 235
other transferor of the dog shall give to the person a written 236
notice relative to the behavior and propensities of the dog. 237

(D) Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous dog, the seller or other transferor shall give to the buyer or other transferee, the board of health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides, a completed copy of a written form on which the seller shall furnish the following information:

(1) The name and address of the buyer or other transferee of the dog;

(2) The age, sex, color, breed, and current registration number of the dog.

In addition, the seller shall answer the following questions, which shall be specifically stated on the form as follows:

"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section.

Sec. 955.12. (A) Except as provided in section 955.121 of Revised Code, a board of county commissioners shall appoint or employ a county dog warden and deputies in such number, for such periods of time, and at such compensation as the board considers

necessary to enforce sections 955.01 to 955.27, 955.29 to 955.38, 268
and 955.50 to ~~955.53~~ 955.60 of the Revised Code. 269

The warden and deputies shall give bond in a sum not less 270
than five hundred dollars and not more than two thousand dollars, 271
as set by the board, conditioned for the faithful performance of 272
their duties. The bond or bonds may, in the discretion of the 273
board, be individual or blanket bonds. The bonds shall be filed 274
with the county auditor of their respective counties. 275

(B) The warden and deputies shall make a record of all dogs 276
owned, kept, and harbored in their respective counties. They shall 277
patrol their respective counties and seize and impound on sight 278
all dogs found running at large and all dogs more than three 279
months of age found not wearing a valid registration tag, except 280
any dog that wears a valid registration tag and is: on the 281
premises of its owner, keeper, or harborer, under the reasonable 282
control of its owner or some other person, hunting with its owner 283
or its handler at a field trial, kept constantly confined in a dog 284
kennel registered under this chapter or one licensed under Chapter 285
956. of the Revised Code, or acquired by, and confined on the 286
premises of, an institution or organization of the type described 287
in section 955.16 of the Revised Code. A dog that wears a valid 288
registration tag may be seized on the premises of its owner, 289
keeper, or harborer and impounded only in the event of a natural 290
disaster. 291

(C) If a dog warden has reason to believe that a dog is being 292
treated inhumanely on the premises of its owner, keeper, or 293
harborer, the warden shall apply to the court of common pleas for 294
the county in which the premises are located for an order to enter 295
the premises, and if necessary, seize the dog. If the court finds 296
probable cause to believe that the dog is being treated 297
inhumanely, it shall issue such an order. 298

(D) The warden and deputies shall ~~also~~ investigate all claims 299

for damages to animals reported to them under section 955.29 of 300
the Revised Code and assist claimants to fill out the claim form 301
therefor. They shall make weekly reports, in writing, to the board 302
in their respective counties of all dogs seized, impounded, 303
redeemed, and destroyed and of all claims for damage to animals 304
inflicted by dogs. 305

(E) The wardens and deputies shall have the same police 306
powers, including the authority to make arrests, as are conferred 307
upon sheriffs and police officers in the performance of their 308
duties as prescribed by sections 955.01 to 955.27, 955.29 to 309
955.38, ~~and~~ 955.50 to 955.53, and 955.60 of the Revised Code. They 310
shall also have power to summon the assistance of bystanders in 311
performing their duties and may serve writs and other legal 312
processes issued by any court in their respective counties with 313
reference to enforcing those sections. County auditors may 314
deputize the wardens or deputies to issue dog licenses as provided 315
in sections 955.01 and 955.14 of the Revised Code. 316

(F) Whenever any person files an affidavit in a court of 317
competent jurisdiction that there is a dog running at large that 318
is not kept constantly confined either in a dog kennel registered 319
under this chapter or one licensed under Chapter 956. of the 320
Revised Code or on the premises of an institution or organization 321
of the type described in section 955.16 of the Revised Code or 322
that a dog is kept or harbored in the warden's jurisdiction 323
without being registered as required by law, the court shall 324
immediately order the warden to seize and impound the dog. 325
Thereupon the warden shall immediately seize and impound the dog 326
complained of. The warden shall give immediate notice by certified 327
mail to the owner, keeper, or harbinger of the dog seized and 328
impounded by the warden, if the owner, keeper, or harbinger can be 329
determined from the current year's registration list maintained by 330
the warden and the county auditor of the county where the dog is 331

registered, that the dog has been impounded and that, unless the 332
dog is redeemed within fourteen days of the date of the notice, it 333
may thereafter be sold or destroyed according to law. If the 334
owner, keeper, or harbinger cannot be determined from the current 335
year's registration list maintained by the warden and the county 336
auditor of the county where the dog is registered, the officer 337
shall post a notice in the pound or animal shelter both describing 338
the dog and place where seized and advising the unknown owner 339
that, unless the dog is redeemed within three days, it may 340
thereafter be sold or destroyed according to law. 341

(G) As used in this section, "animal" has the same meaning as 342
in section 955.51 of the Revised Code. 343

Sec. 955.13. (A) The attorney general shall establish and 344
maintain a registry of violations of this chapter and of 345
complaints regarding possible violations of it. The attorney 346
general shall make the registry available to the following 347
persons: 348

(1) State and local law enforcement officers; 349

(2) State and local humane society agents; 350

(3) Dog wardens and deputies. 351

(B) The registry shall include all of the following: 352

(1) Information regarding a dog that is the subject of a 353
violation or complaint, including the dog's breed, color, hair 354
type, gender, registration number, and name; 355

(2) Information regarding the owner of a dog identified under 356
division (B)(1) of this section, including the owner's name, 357
address, gender, and date of birth; 358

(3) Details of a complaint regarding a possible violation of 359
this chapter, if applicable; 360

(4) Details of a violation of this chapter, if applicable, 361
including the name, address, gender, and date of birth of any 362
victim of the violation; 363

(5) A description of any enforcement action taken; 364

(6) Any additional information that the attorney general 365
considers necessary. 366

(C) A person specified in division (A) of this section that 367
becomes aware of a violation of this chapter or of a complaint 368
regarding a possible violation of it shall enter into the registry 369
established under that division the information specified in 370
division (B) of this section regarding the violation or complaint. 371

Sec. 955.22. (A) As used in this section, "dangerous dog" has 372
the same meaning as in section 955.11 of the Revised Code. 373

(B) No owner, keeper, or harborer of any female dog shall 374
permit ~~it~~ the dog to go beyond the premises of the owner, keeper, 375
or harborer at any time the dog is in heat unless the dog is 376
properly in leash. 377

(C) Except when a dog is lawfully engaged in hunting and 378
accompanied by the owner, keeper, harborer, or handler of the dog, 379
no owner, keeper, or harborer of any dog shall fail at any time to 380
~~do either of the following:~~ 381

~~(1) Keep~~ keep the dog physically confined or restrained ~~upon~~ 382
~~the premises of the owner, keeper, or harborer~~ by a leash, tether, 383
~~adequate fence, supervision, or secure enclosure to prevent~~ 384
~~escape;~~ 385

~~(2) Keep the dog under the reasonable control of some person.~~ 386

(D) Except when a dangerous dog is lawfully engaged in 387
hunting or training for the purpose of hunting and is accompanied 388
by the owner, keeper, harborer, or handler of the dog, no owner, 389
keeper, or harborer of a dangerous dog shall fail to do either of 390

the following: 391

(1) While that dog is on the premises of the owner, keeper, 392
or harborer, securely confine it at all times in a locked pen that 393
has a top, locked fenced yard, or other locked enclosure that has 394
a top; 395

(2) While that dog is off the premises of the owner, keeper, 396
or harborer, keep that dog on a chain-link leash or tether that is 397
not more than six feet in length and additionally do at least one 398
of the following: 399

(a) Keep that dog in a locked pen that has a top, locked 400
fenced yard, or other locked enclosure that has a top; 401

(b) Have the leash or tether controlled by a person who is of 402
suitable age and discretion or securely attach, tie, or affix the 403
leash or tether to the ground or a stationary object or fixture so 404
that the dog is adequately restrained and station such a person in 405
close enough proximity to that dog so as to prevent it from 406
causing injury to any person; 407

(c) Muzzle that dog. 408

(E) No person who has been convicted of or pleaded guilty to 409
three or more violations of division (C) of this section involving 410
the same dog and no owner, keeper, or harborer of a dangerous dog 411
shall fail to do the following: 412

(1) Obtain liability insurance with an insurer authorized to 413
write liability insurance in this state providing coverage in each 414
occurrence because of damage or bodily injury to or death of a 415
person caused by the dangerous dog if so ordered by a court and 416
provide proof of that liability insurance upon request to any law 417
enforcement officer, county dog warden, or public health official 418
charged with enforcing this section; 419

(2) Obtain a dangerous dog registration certificate from the 420

county auditor pursuant to division (I) of this section, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;

(3) Notify the local dog warden immediately if any of the following occurs:

(a) The dog is loose or unconfined.

(b) The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.

(c) The dog attacks another animal while the dog is off the property of the owner of the dog.

(4) If the dog is sold, given to another person, or dies, notify the county auditor within ten days of the sale, transfer, or death.

(F) No person shall do any of the following:

(1) Debark or surgically silence a dog that the person knows or has reason to believe is a dangerous dog;

(2) Possess a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(3) Falsely attest on a waiver form provided by the veterinarian under division (G) of this section that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(G) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a dangerous dog. The written waiver form shall include all of the following:

(1) The veterinarian's license number and current business

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| address; | 451 |
| (2) The number of the license of the dog if the dog is licensed; | 452 453 |
| (3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog; | 454 455 |
| (4) The signature of the owner of the dog attesting that the owner's dog is not a dangerous dog; | 456 457 |
| (5) A statement that division (F) of section 955.22 of the Revised Code prohibits any person from doing any of the following: | 458 459 |
| (a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a dangerous dog; | 460 461 |
| (b) Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced; | 462 463 464 |
| (c) Falsely attesting on a waiver form provided by the veterinarian under division (G) of section 955.22 of the Revised Code that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form. | 465 466 467 468 |
| (H) It is an affirmative defense to a charge of a violation of division (F) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (G) of this section and that attests that the dog is not a dangerous dog. | 469 470 471 472 473 474 |
| (I)(1) The county auditor shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is eighteen years of age or older, and who provides the following to the county auditor: | 475 476 477 478 |
| (a) A fee of fifty dollars; | 479 |
| (b) The person's address, phone number, and other appropriate | 480 |

means for the local dog warden or county auditor to contact the 481
person; 482

(c) With respect to the person and the dog for which the 483
registration is sought, all of the following: 484

(i) Either satisfactory evidence of the dog's current rabies 485
vaccination or a statement from a licensed veterinarian that a 486
rabies vaccination is medically contraindicated for the dog; 487

(ii) Either satisfactory evidence of the fact that the dog 488
has been neutered or spayed or a statement from a licensed 489
veterinarian that neutering or spaying of the dog is medically 490
contraindicated; 491

(iii) Satisfactory evidence of the fact that the person has 492
posted and will continue to post clearly visible signs at the 493
person's residence warning both minors and adults of the presence 494
of a dangerous dog on the property; 495

(iv) Satisfactory evidence of the fact that the dog has been 496
permanently identified by means of a microchip and the dog's 497
microchip number. 498

(2) Upon the issuance of a dangerous dog registration 499
certificate to the owner of a dog, the county auditor shall 500
provide the owner with a uniformly designed tag that identifies 501
the animal as a dangerous dog. The owner shall renew the 502
certificate annually for the same fee and in the same manner as 503
the initial certificate was obtained. If a certificate holder 504
relocates to a new county, the certificate holder shall follow the 505
procedure in division (I)(3)(b) of this section and, upon the 506
expiration of the certificate issued in the original county, shall 507
renew the certificate in the new county. 508

(3)(a) If the owner of a dangerous dog for whom a 509
registration certificate has previously been obtained relocates to 510
a new address within the same county, the owner shall provide 511

notice of the new address to the county auditor within ten days of 512
relocating to the new address. 513

(b) If the owner of a dangerous dog for whom a registration 514
certificate has previously been obtained relocates to a new 515
address within another county, the owner shall do both of the 516
following within ten days of relocating to the new address: 517

(i) Provide written notice of the new address and a copy of 518
the original dangerous dog registration certificate to the county 519
auditor of the new county; 520

(ii) Provide written notice of the new address to the county 521
auditor of the county where the owner previously resided. 522

(4) The owner of a dangerous dog shall present the dangerous 523
dog registration certificate upon being requested to do so by any 524
law enforcement officer, dog warden, or public health official 525
charged with enforcing this section. 526

(5) The fees collected pursuant to this division shall be 527
deposited in the dog and kennel fund of the county. 528

Sec. 955.222. (A) The municipal court or county court that 529
has territorial jurisdiction over the residence of the owner, 530
keeper, or harbinger of a dog shall conduct any hearing concerning 531
the designation of the dog as a nuisance dog, dangerous dog, or 532
vicious dog. 533

(B) If a person who is authorized to enforce this chapter has 534
reasonable cause to believe that a dog in the person's 535
jurisdiction is a nuisance dog, dangerous dog, or vicious dog, the 536
person shall notify the owner, keeper, or harbinger of that dog, by 537
certified mail or in person, of both of the following: 538

(1) That the person has designated the dog a nuisance dog, 539
dangerous dog, or vicious dog, as applicable; 540

(2) That the owner, keeper, or harbinger of the dog may 541

request a hearing regarding the designation in accordance with 542
this section. The notice shall include instructions for filing a 543
request for a hearing in the county in which the dog's owner, 544
keeper, or harborer resides. 545

(C) If the owner, keeper, or harborer of the dog disagrees 546
with the designation of the dog as a nuisance dog, dangerous dog, 547
or vicious dog, as applicable, the owner, keeper, or harborer, not 548
later than ten days after receiving notification of the 549
designation, may request a hearing regarding the determination. 550
The request for a hearing shall be in writing and shall be filed 551
with the municipal court or county court that has territorial 552
jurisdiction over the residence of the dog's owner, keeper, or 553
harborer. At the hearing, the person who designated the dog as a 554
nuisance dog, dangerous dog, or vicious dog has the burden of 555
proving, by clear and convincing evidence, that the dog is a 556
nuisance dog, dangerous dog, or vicious dog. 557

The owner, keeper, or harborer of the dog or the person who 558
designated the dog as a nuisance dog, dangerous dog, or vicious 559
dog may appeal the court's final determination as in any other 560
case filed in that court. 561

(D) A court, upon motion of an owner, keeper, or harborer or 562
an attorney representing the owner, keeper, or harborer, may order 563
that the dog designated as a nuisance dog, dangerous dog, or 564
vicious dog be held in the possession of the owner, keeper, or 565
harborer until the court makes a final determination under this 566
section or during the pendency of an appeal, as applicable. Until 567
the court makes a final determination and during the pendency of 568
any appeal, the dog shall be confined or restrained in accordance 569
with the provisions of division (D) of section 955.22 of the 570
Revised Code that apply to dangerous dogs regardless of whether 571
the dog has been designated as a vicious dog or a nuisance dog 572
rather than a dangerous dog. The owner, keeper, or harborer of the 573

dog shall not be required to comply with any other requirements 574
established in the Revised Code that concern a nuisance dog, 575
dangerous dog, or vicious dog, as applicable, until the court 576
makes a final determination and during the pendency of any appeal. 577

(E) It is an affirmative defense to the designation of a dog 578
as a nuisance dog, dangerous dog, or vicious dog that the dog was 579
teased, tormented, or abused by a person or that the dog was 580
coming to the aid or defense of a person who was not engaged in 581
illegal or criminal activity and who was not using the dog as a 582
means of carrying out such activity. 583

(F) If a dog is finally determined under this section, or on 584
appeal as described in this section, to be a vicious dog, ~~division 585
(D) of section 955.11 and divisions (D) to (I) of section 955.22 586
of the Revised Code apply with respect to the dog and the owner, 587
keeper, or harborer of the dog as if the dog were a dangerous dog, 588
and section 955.54 of the Revised Code applies with respect to the 589
dog as if it were a dangerous dog, and the court shall issue an 590
order that specifies that those provisions apply with respect to 591
the dog and the owner, keeper, or harborer in that manner. As part 592
of the order, the court shall require the owner, keeper, or 593
harborer to obtain the liability insurance required under division 594
(E)(1) of section 955.22 of the Revised Code in an amount 595
described in division (H)(2) of section 955.99 of the Revised Code 596
the court shall order the dog to be humanely destroyed by a 597
licensed veterinarian, the county dog warden, or the county humane 598
society at the owner's expense. 599~~

~~(F)~~(G) As used in this section, "nuisance dog," "dangerous 600
dog," and "vicious dog" have the same meanings as in section 601
955.11 of the Revised Code. 602

Sec. 955.223. (A) In a prosecution for a violation of 603
division (C) of section 955.22 of the Revised Code in which a dog 604

has caused injury or serious injury to or the death of a person or 605
companion animal, any of the following may be asserted as an 606
affirmative defense, as applicable: 607

(1) The dog was teased, tormented, or abused by a person. 608

(2) The dog was coming to the aid or defense of a person who 609
was not engaged in illegal or criminal activity and who was not 610
using the dog as a means of carrying out such activity. 611

(3) The dog caused injury or serious injury to a person or 612
killed a person while the person was committing or attempting to 613
commit a trespass or other criminal offense on the property of the 614
owner, keeper, or harbinger of the dog. 615

(B) As used in this section: 616

(1) "Serious injury" has the same meaning as in section 617
955.11 of the Revised Code. 618

(2) "Companion animal" has the same meaning as in section 619
959.131 of the Revised Code. 620

Sec. 955.60. (A) Any person authorized to enforce this 621
chapter shall investigate any complaint that indicates a possible 622
violation of any provision of this chapter involving a dog. 623

(B) If, after investigating an alleged violation of this 624
chapter under division (A) of this section, an authorized person 625
does not cite a person for or charge a person with a violation, 626
the authorized person shall notify, in accordance with division 627
(C) of this section, the owner, keeper, or harbinger of the dog 628
that there has been a complaint regarding the dog and that the 629
authorized person investigated a possible violation. The notice 630
shall specify all of the following: 631

(1) A citation to the provision or provisions of law a 632
possible violation of which the authorized person investigated; 633

(2) Contact information for the authorized person; 634

(3) A requirement that the owner, keeper, or harborer of the 635
dog respond to the authorized person indicating that the owner, 636
keeper, or harborer has received the notice. 637

(C) The authorized person shall post the notice on the door 638
of the dwelling at which the dog resides within twenty-four hours 639
of the authorized person's investigation. The owner, keeper, or 640
harborer of the dog shall respond within forty-eight hours to the 641
authorized person via e-mail, facsimile, telephone, or social 642
media correspondence, indicating that the owner, keeper, or 643
harborer has received the notice. If the owner, keeper, or 644
harborer of the dog responds within a reasonable time after the 645
forty-eight hour period, the person is not subject to division 646
(D)(1) of this section, provided that the response is accompanied 647
with a reasonable explanation of why the forty-eight-hour response 648
deadline was not met. 649

(D) If the owner, keeper, or harborer of the dog does not 650
respond within: 651

(1) Forty-eight hours or does not respond within a reasonable 652
time from the time the notice is posted as provided in division 653
(C) of this section, the owner, keeper, or harborer of the dog 654
shall be fined twenty-five dollars; 655

(2) Ninety-six hours, the owner, keeper, or harborer of the 656
dog shall be fined forty dollars; 657

(3) Seven days, a court may issue a summons or warrant for 658
the arrest of the owner, keeper, or harborer of the dog. 659

Sec. 955.99. (A)(1) Whoever violates division (E) of section 660
955.11 of the Revised Code because of a failure to comply with 661
division (B) of that section is guilty of a minor misdemeanor. 662

(2) Whoever violates division (E) of section 955.11 of the 663

Revised Code because of a failure to comply with division (C) or 664
(D) of that section is guilty of a minor misdemeanor on a first 665
offense and of a misdemeanor of the fourth degree on each 666
subsequent offense. 667

(B) Whoever violates section 955.10, 955.23, 955.24, or 668
955.25 of the Revised Code is guilty of a minor misdemeanor. 669

(C) Whoever violates section 955.261, 955.39, or 955.50 of 670
the Revised Code is guilty of a minor misdemeanor on a first 671
offense and of a misdemeanor of the fourth degree on each 672
subsequent offense. 673

(D) Whoever violates division (F) of section 955.16 or 674
division (B) of section 955.43 of the Revised Code is guilty of a 675
misdemeanor of the fourth degree. 676

(E)(1) Whoever violates section 955.21 of the Revised Code, 677
violates division (B) of section 955.22 of the Revised Code, or 678
commits a violation of division (C) of section 955.22 of the 679
Revised Code that involves a dog that is not a nuisance dog, 680
dangerous dog, or vicious dog shall be fined not less than 681
twenty-five dollars or more than one hundred dollars on a first 682
offense, and on each subsequent offense shall be fined not less 683
than seventy-five dollars or more than two hundred fifty dollars 684
and may be imprisoned for not more than thirty days. 685

(2) In addition to the penalties prescribed in division 686
(E)(1) of this section, if the offender is guilty of a violation 687
of division (B) of section 955.22 of the Revised Code or a 688
violation of division (C) of section 955.22 of the Revised Code 689
that involves a dog that is not a nuisance dog, dangerous dog, or 690
vicious dog, the court may order the offender to personally 691
supervise the dog that the offender owns, keeps, or harbors, to 692
cause that dog to complete dog obedience training, or to do both. 693

(F)(1) Whoever commits a violation of division (C) of section 694

955.22 of the Revised Code that involves a nuisance dog is guilty 695
of a minor misdemeanor on the first offense and of a misdemeanor 696
of the fourth degree on each subsequent offense involving the same 697
dog. Upon a person being convicted of or pleading guilty to a 698
third violation of division (C) of section 955.22 of the Revised 699
Code involving the same dog, the court shall require the offender 700
to register the involved dog as a dangerous dog. 701

(2) In addition to the penalties prescribed in division 702
(F)(1) of this section, if a violation of division (C) of section 703
955.22 of the Revised Code involves a nuisance dog, the court may 704
order the offender to personally supervise the nuisance dog that 705
the offender owns, keeps, or harbors, to cause that dog to 706
complete dog obedience training, or to do both. 707

(G) Whoever commits a violation of division (C) of section 708
955.22 of the Revised Code that involves a dangerous dog or a 709
violation of division (D) of that section is guilty of a 710
misdemeanor of the fourth degree on a first offense and of a 711
misdemeanor of the third degree on each subsequent offense. 712
Additionally, the court may order the offender to personally 713
supervise the dangerous dog that the offender owns, keeps, or 714
harbors, to cause that dog to complete dog obedience training, or 715
to do both, and the court may order the offender to obtain 716
liability insurance pursuant to division (E) of section 955.22 of 717
the Revised Code. The court, in the alternative, may order the 718
dangerous dog to be humanely destroyed by a licensed veterinarian, 719
the county dog warden, or the county humane society at the owner's 720
expense. With respect to a violation of division (C) of section 721
955.22 of the Revised Code that involves a dangerous dog, until 722
the court makes a final determination and during the pendency of 723
any appeal of a violation of that division and at the discretion 724
of the dog warden, the dog shall be confined or restrained in 725
accordance with division (D) of section 955.22 of the Revised Code 726

or at the county dog pound at the owner's expense. 727

(H)(1) Whoever commits a violation of division (C) of section 728
955.22 of the Revised Code that involves a ~~vicious~~ dog that is 729
described in this division is guilty of one of the following: 730

(a) A felony of the ~~fourth~~ fifth degree if the dog kills or 731
causes serious injury to a person on a first offense. 732
Additionally, if the dog kills a person, the court shall order 733
that the ~~vicious~~ dog be humanely destroyed by a licensed 734
veterinarian, the county dog warden, or the county humane society 735
at the owner's expense. If the dog causes serious injury to a 736
person, the court may order that the dog be humanely destroyed in 737
such a manner. 738

(b) A felony of the fourth degree if the dog kills or causes 739
serious injury to a person and the person in violation has 740
previously been sentenced under division (H)(1)(a) or (c) of this 741
section. Additionally, if the dog kills a person, the court shall 742
order that the dog be humanely destroyed by a licensed 743
veterinarian, the county dog warden, or the county humane society 744
at the owner's expense. If the dog causes serious injury to a 745
person, the court may order that the dog be humanely destroyed in 746
such a manner. 747

(c) A misdemeanor of the first degree if the dog causes 748
serious injury, other than killing or serious injury, to a person 749
or causes injury, serious injury, or death or a companion animal 750
on a first offense. Additionally, if the dog causes injury to a 751
person or injury or serious injury to a companion animal, the 752
court may order that the ~~vicious~~ dog ~~to~~ be humanely destroyed by a 753
licensed veterinarian, the county dog warden, or the county humane 754
society at the owner's expense. If the dog kills a companion 755
animal, the court shall order that the dog be humanely destroyed 756
in such a manner. 757

(d) A felony of the fifth degree if the dog causes injury, serious injury, or death to a companion animal and the person in violation has previously been sentenced under division (H)(1)(a) or (c) of this section. Additionally, if the dog causes injury to a person or injury or serious injury to a companion animal, the court may order that the dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. If the dog kills a companion animal, the court shall order that the dog be humanely destroyed in such a manner.

~~(2) If the court does not order the vicious dog to be destroyed under division (H)(1)(b) of this section, the court shall issue an order that specifies that division (D) of section 955.11 and divisions (D) to (I) of section 955.22 of the Revised Code apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that section 955.54 of the Revised Code applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (E)(1) of section 955.22 of the Revised Code in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand dollars. Until the court makes a final determination and during the pendency of any appeal of a violation of division (C) of section 955.22 of the Revised Code and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions described in division (D) of section 955.22 of the Revised Code or at the county dog pound at the owner's expense.~~

(I) Whoever violates division (A)(2) of section 955.01 of the Revised Code is guilty of a misdemeanor of the first degree.

(J) Whoever violates division (E)(2) of section 955.22 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(K) Whoever violates division (C) of section 955.221 of the Revised Code is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. Fines levied and collected for violations of that division shall be distributed by the mayor or clerk of the municipal or county court in accordance with section 733.40, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code to the treasury of the county, township, or municipal corporation whose resolution or ordinance was violated.

(L) Whoever violates division (F)(1), (2), or (3) of section 955.22 of the Revised Code is guilty of a felony of the fourth degree. Additionally, the court shall order that the dog involved in the violation be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (F)(1), (2), or (3) of section 955.22 of the Revised Code and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (D) of section 955.22 of the Revised Code or at the county dog pound at the owner's expense.

(M) Whoever violates division (E)(1), (3), or (4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor.

(N) Whoever violates division (I)(4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor.

(O) Whoever violates division (A) or (B) of section 955.54 of the Revised Code is guilty of a misdemeanor of the first degree.

(P)(1) If a dog is confined at the county dog pound pursuant to division (G), (H), or (L) of this section, the county dog warden shall give written notice of the confinement to the owner of the dog. If the county dog warden is unable to give the notice to the owner of the dog, the county dog warden shall post the

notice on the door of the residence of the owner of the dog or in 821
another conspicuous place on the premises at which the dog was 822
seized. The notice shall include a statement that a security in 823
the amount of one hundred dollars is due to the county dog warden 824
within ten days to secure payment of all reasonable expenses, 825
including medical care and boarding of the dog for sixty days, 826
expected to be incurred by the county dog pound in caring for the 827
dog pending the determination. The county dog warden may draw from 828
the security any actual costs incurred in caring for the dog. 829

(2) If the person ordered to post security under division 830
(P)(1) of this section does not do so within ten days of the 831
confinement of the animal, the dog is forfeited, and the county 832
dog warden may determine the disposition of the dog unless the 833
court issues an order that specifies otherwise. 834

(3) Not more than ten days after the court makes a final 835
determination under division (G), (H), or (L) of this section, the 836
county dog warden shall provide the owner of the dog with the 837
actual cost of the confinement of the dog. If the county dog 838
warden finds that the security provided under division (P)(1) of 839
this section is less than the actual cost of confinement of the 840
dog, the owner shall remit the difference between the security 841
provided and the actual cost to the county dog warden within 842
thirty days after the court's determination. If the county dog 843
warden finds that the security provided under division (P)(1) of 844
this section is greater than that actual cost, the county dog 845
warden shall remit the difference between the security provided 846
and the actual cost to the owner within thirty days after the 847
court's determination. 848

(Q) As used in this section—i 849

(1) "Serious injury," "nuisance dog," "dangerous dog," and 850
"vicious dog" have the same meanings as in section 955.11 of the 851
Revised Code. 852

(2) "Companion animal" has the same meaning as in section 853
959.131 of the Revised Code. 854

Section 2. That existing sections 109.73, 955.11, 955.12, 855
955.22, 955.222, and 955.99 of the Revised Code are hereby 856
repealed. 857