



Ohio Legislative Service Commission

Bill Analysis

Michelle R. McGreevy

H.B. 503

128th General Assembly
(As Introduced)

Reps. Bubp and Garrison

BILL SUMMARY

- Prohibits the owner or keeper of llamas and alpacas from permitting them to run at large.
- Removes an existing provision stating that the running at large of any of specified animals is prima facie evidence of violation of the prohibition against allowing the animals to run at large.
- Requires the owner or keeper of an animal to have acted negligently in order to be liable for damages caused by an animal running at large.
- Eliminates the criminal penalty for violation of the statute prohibiting the owner or keeper of a stallion, jackass, bull, boar, ram, or buck from allowing it to run at large.
- Specifically states that recklessness is the required culpable mental state for violation of the statute prohibiting the owner or keeper of horses, mules, cattle, sheep, goats, swine, llamas, alpacas, or geese from allowing them to run at large.

CONTENT AND OPERATION

Current law prohibits a person, who is the owner or keeper of horses, mules, cattle, sheep, goats, swine, or geese, from permitting them to run at large in the public road, highway, street, lane, or alley, or on unenclosed land, or causing them to be herded, kept, or detained for the purpose of grazing on premises other than those owned or lawfully occupied by the owner or keeper of the animals. The bill adds llamas and alpacas to that list of animals. (R.C. 951.02.)

Under current law, the running at large of any such animal in or on any of the places specified above is prima facie evidence that it is running at large in violation of the above prohibition. The bill removes that provision. (R.C. 951.02.)

Current law states that the owner or keeper of an animal who permits it to run at large in violation of current law as discussed above, or of a stallion, jackass, bull, boar, ram, or buck who permits it to go or be at large outside of its own enclosure,¹ is liable for all damages caused by the animal on the premises of another without reference to the fence that may enclose the premises, thus establishing strict liability (R.C. 951.10). Additionally, any person who violates either of the prohibitions regarding animals running at large is guilty of a misdemeanor of the fourth degree (R.C. 951.99). The unspecified, required culpable mental state for the violation is recklessness.

The bill makes the following changes in those provisions:

(1) Requires the owner or keeper of an animal to have acted negligently in order to be liable for damages caused by an animal running at large (R.C. 951.10);

(2) Eliminates the criminal penalty for violation of the statute prohibiting the owner or keeper of a stallion, jackass, bull, boar, ram, or buck from allowing it to run at large (R.C. 951.99); and

(3) Specifically states that recklessness is the required culpable mental state for violation of the statute prohibiting the owner or keeper of horses, mules, cattle, sheep, goats, swine, llamas, alpacas, or geese from allowing them to run at large (R.C. 951.99).

HISTORY

ACTION	DATE
Introduced	05-10-10

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¹ R.C. 951.01, not in the bill.

