



# Ohio Legislative Service Commission

## Bill Analysis

Andrea Holmes

### H.B. 290

129th General Assembly  
(As Introduced)

Reps. Garland, Goyal, Yuko

---

## BILL SUMMARY

- Increases the penalty for the offense of assault to a fifth degree felony if the victim of the offense is a dog warden, deputy dog warden, humane agent, or animal control officer who is engaged in duties or official responsibilities associated with the victim's employment or position as a dog warden, deputy dog warden, humane agent, or animal control officer.

---

## CONTENT AND OPERATION

### Existing law

Existing law not changed by the bill prohibits a person from knowingly causing or attempting to cause physical harm to another or to another's unborn or recklessly causing serious physical harm to another or to another's unborn. A violation of the prohibition is the offense of "assault." Assault generally is a first degree misdemeanor, but in a number of specified circumstances it is a third, fourth, or fifth degree felony.<sup>1</sup>

### Operation of the bill

The bill expands the penalty enhancement provisions in the offense of assault to include an enhanced penalty if the victim of the offense is a dog warden or deputy dog warden appointed or employed under R.C. Chapter 955. (dogs), a humane agent appointed under R.C. Chapter 1717. (humane societies), or an animal control officer appointed or employed by a political subdivision who is engaged in duties or official responsibilities associated with the victim's employment or position as a dog warden,

---

<sup>1</sup> R.C. 2903.13.

deputy dog warden, humane agent, or animal control officer. In this circumstance, assault is a fifth degree felony.<sup>2</sup>

## Background

R.C. 955.12 requires the board of county commissioners to 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 various provisions of R.C. Chapter 955.

R.C. 1717.06 authorizes a county humane society to appoint agents for the purpose of prosecuting any person guilty of an act of cruelty to persons or animals. R.C. 1717.04 authorizes the Ohio Humane Society to appoint agents in any county where no active county humane society exists to represent it. The agents may arrest any person found violating any law for the protection of persons or animals or the prevention of cruelty to persons or animals.

Although animal control officers are referred to in some Revised Code sections,<sup>3</sup> there does not appear to be any specific authority for their appointment.

---

## HISTORY

ACTION	DATE
Introduced	06-30-11

H0290-I-129.docx/jc

---

<sup>2</sup> R.C. 2903.13(C)(2)(f).

<sup>3</sup> R.C. 953.22 and 959.132 (not in the bill).

