

As Passed by the Senate

131st General Assembly

Regular Session

2015-2016

S. B. No. 151

Senator Beagle

**Cosponsors: Senators Lehner, Hite, Hackett, Jones, Manning, Patton, Sawyer,
Tavares**

A BILL

To amend sections 109.73, 955.11, 955.12, 955.22, 1
955.222, 955.44, 955.54, and 955.99 and to enact 2
sections 955.13, 955.223, 955.224, 955.225, 3
955.226, and 955.60 of the Revised Code to 4
revise provisions of the Dogs Law governing 5
nuisance, dangerous, and vicious dogs, to revise 6
enforcement of that Law, and to establish a 7
notification process regarding complaints of 8
certain violations of that Law. 9

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

Section 1. That sections 109.73, 955.11, 955.12, 955.22, 10
955.222, 955.44, 955.54, and 955.99 be amended and sections 11
955.13, 955.223, 955.224, 955.225, 955.226, and 955.60 of the 12
Revised Code be enacted to read as follows: 13

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

(1) The approval, or revocation of approval, of peace 17

officer training schools administered by the state, counties, 18
municipal corporations, public school districts, technical 19
college 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, 22
county, municipal, and department of natural resources peace 23
officer training schools; 24

(3) Minimum qualifications for instructors at approved 25
state, county, municipal, and department of natural resources 26
peace 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 30
shall include training in the handling of the offense of 31
domestic violence, other types of domestic violence-related 32
offenses and incidents, and protection orders and consent 33
agreements issued or approved under section 2919.26 or 3113.31 34
of the Revised Code; crisis intervention training; and training 35
in the handling of missing children and child abuse and neglect 36
cases; and training in handling violations of section 2905.32 of 37
the Revised Code; and the time within which such basic training 38
shall be completed 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, 43
which requirements shall include training in the handling of the 44
offense of domestic violence, other types of domestic violence- 45
related offenses and incidents, and protection orders and 46
consent agreements issued or approved under section 2919.26 or 47

3113.31 of the Revised Code, crisis intervention training, and 48
training in the handling of missing children and child abuse and 49
neglect cases, and training in handling violations of section 50
2905.32 of the Revised Code, and the time within which such 51
basic training shall be completed following appointment on other 52
than a permanent basis; 53

(6) Categories or classifications of advanced in-service 54
training programs for peace officers, including programs in the 55
handling of the offense of domestic violence, other types of 56
domestic violence-related offenses and incidents, and protection 57
orders and consent agreements issued or approved under section 58
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 59
and in the handling of missing children and child abuse and 60
neglect cases, and in handling violations of section 2905.32 of 61
the Revised Code, and minimum courses of study and attendance 62
requirements with respect to such categories or classifications; 63

(7) Permitting persons, who are employed as members of a 64
campus police department appointed under section 1713.50 of the 65
Revised Code; who are employed as police officers by a qualified 66
nonprofit corporation police department pursuant to section 67
1702.80 of the Revised Code; who are appointed and commissioned 68
as bank, savings and loan association, savings bank, credit 69
union, or association of banks, savings and loan associations, 70
savings banks, or credit unions police officers, as railroad 71
police officers, or as hospital police officers pursuant to 72
sections 4973.17 to 4973.22 of the Revised Code; or who are 73
appointed and commissioned as amusement park police officers 74
pursuant to section 4973.17 of the Revised Code, to attend 75
approved peace officer training schools, including the Ohio 76
peace officer training academy, and to receive certificates of 77
satisfactory completion of basic training programs, if the 78

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 and if trainee vacancies are available;

(8) Permitting undercover drug agents to attend approved peace officer training schools, other than the Ohio peace officer training academy, and to receive certificates of satisfactory completion of basic training programs, if, for each undercover drug agent, the county, township, or municipal corporation that employs that undercover drug agent pays the entire cost of the training and certification;

(9) (a) The requirements for basic training programs for bailiffs and deputy bailiffs of courts of record of this state and for criminal investigators employed by the state public defender that those persons shall complete before they may carry a firearm while on duty;

(b) The requirements for any training received by a bailiff or deputy bailiff of a court of record of this state or by a criminal investigator employed by the state public defender prior to June 6, 1986, that is to be considered equivalent to the training described in division (A) (9) (a) of this section.

(10) Establishing minimum qualifications and requirements for certification for dogs utilized by law enforcement agencies;

(11) Establishing minimum requirements for certification of persons who are employed as correction officers in a full-

service jail, five-day facility, or eight-hour holding facility 108
or who provide correction services in such a jail or facility; 109

(12) Establishing requirements for the training of agents 110
of a county humane society under section 1717.06 of the Revised 111
Code, including, without limitation, a requirement that the 112
agents receive instruction on traditional animal husbandry 113
methods and training techniques, including customary owner- 114
performed practices; 115

(13) Establishing requirements for the training of dog 116
wardens and deputies for the purposes of division (E) of section 117
955.12 of the Revised Code. 118

(B) The commission shall appoint an executive director, 119
with the approval of the attorney general, who shall hold office 120
during the pleasure of the commission. The executive director 121
shall perform such duties assigned by the commission. The 122
executive director shall receive a salary fixed pursuant to 123
Chapter 124. of the Revised Code and reimbursement for expenses 124
within the amounts available by appropriation. The executive 125
director may appoint officers, employees, agents, and 126
consultants as the executive director considers necessary, 127
prescribe their duties, and provide for reimbursement of their 128
expenses within the amounts available for reimbursement by 129
appropriation and with the approval of the commission. 130

(C) The commission may do all of the following: 131

(1) Recommend studies, surveys, and reports to be made by 132
the executive director regarding the carrying out of the 133
objectives and purposes of sections 109.71 to 109.77 of the 134
Revised Code; 135

(2) Visit and inspect any peace officer training school 136

that has been approved by the executive director or for which 137
application for approval has been made; 138

(3) Make recommendations, from time to time, to the 139
executive director, the attorney general, and the general 140
assembly regarding the carrying out of the purposes of sections 141
109.71 to 109.77 of the Revised Code; 142

(4) Report to the attorney general from time to time, and 143
to the governor and the general assembly at least annually, 144
concerning the activities of the commission; 145

(5) Establish fees for the services the commission offers 146
under sections 109.71 to 109.79 of the Revised Code, including, 147
but not limited to, fees for training, certification, and 148
testing; 149

(6) Perform such other acts as are necessary or 150
appropriate to carry out the powers and duties of the commission 151
as set forth in sections 109.71 to 109.77 of the Revised Code. 152

(D) In establishing the requirements, under division (A) 153
(12) of this section, the commission may consider any portions 154
of the curriculum for instruction on the topic of animal 155
husbandry practices, if any, of the Ohio state university 156
college of veterinary medicine. No person or entity that fails 157
to provide instruction on traditional animal husbandry methods 158
and training techniques, including customary owner-performed 159
practices, shall qualify to train a humane agent for appointment 160
under section 1717.06 of the Revised Code. 161

Sec. 955.11. ~~(A)~~As used in this ~~section~~chapter: 162

(A)(1)(a) "Vicious dog" means a dog that has killed any 163
person or any companion animal. 164

(2) "Vicious dog" does not include either of the 165
following: 166

(a) A police dog that has killed any person or companion 167
animal while the police dog is being used to assist one or more 168
law enforcement officers in the performance of their official 169
duties; 170

(b) A dog that has killed any person or companion animal 171
while a person was committing or attempting to commit a trespass 172
or other criminal offense on the property of the owner, keeper, 173
or harborer of the dog. 174

(B) (1) "Dangerous dog" means a dog that, without 175
provocation, and subject to division (A) (1) (b) of this section, 176
has done any of the following: 177

(i) (a) Caused injury, other than killing or serious 178
injury, to any person; 179

(ii) Killed another dog (b) Caused injury or serious injury 180
to any companion animal; 181

(iii) (c) Been the subject of a third or subsequent 182
violation of division (C) (B) of section 955.22 of the Revised 183
Code. 184

(b) (2) "Dangerous dog" does not include either of the 185
following: 186

(a) A police dog that has caused injury, other than 187
killing or serious injury, to any person or has killed another 188
dog any companion animal while the police dog is being used to 189
assist one or more law enforcement officers in the performance 190
of their official duties; 191

(b) A dog that has caused injury or serious injury to any 192

person while a person was committing or attempting to commit a 193
trespass or other criminal offense on the property of the owner, 194
keeper, or harborer of the dog. 195

~~(2) "Menacing fashion" means that a dog would cause any~~ 196
~~person being chased or approached to reasonably believe that the~~ 197
~~dog will cause physical injury to that person.~~ 198

~~(3) (a) Subject to division (A) (3) (b) of this section,~~ 199
~~"nuisance (C) (1) "Nuisance dog" means a dog that without~~ 200
~~provocation and while off the premises of its owner, keeper, or~~ 201
~~harborer has chased or approached a person in either a menacing~~ 202
~~fashion or an apparent attitude of attack or has attempted to~~ 203
~~bite or otherwise endanger any person.~~ 204

~~(b) (2) "Nuisance dog" does not include a police dog that~~ 205
~~while being used to assist one or more law enforcement officers~~ 206
~~in the performance of their official duties has chased or~~ 207
~~approached a person in either a menacing fashion or an apparent~~ 208
~~attitude of attack or has attempted to bite or otherwise~~ 209
~~endanger any person.~~ 210

~~(4) (D) "Menacing fashion" means that a dog would cause~~ 211
~~any person being chased or approached to reasonably believe that~~ 212
~~the dog will cause physical injury to that person.~~ 213

~~(E) "Police dog" means a dog that has been trained, and~~ 214
~~may be used, to assist one or more law enforcement officers in~~ 215
~~the performance of their official duties.~~ 216

~~(5) (F) "Serious injury" means any of the following:~~ 217

~~(a) (1) Any physical harm that carries a substantial risk~~ 218
~~of death;~~ 219

~~(b) (2) Any physical harm that involves a permanent~~ 220

incapacity, whether partial or total, or a temporary,
substantial incapacity;

~~(c) (3) Any physical harm that involves a permanent
disfigurement or a temporary, serious disfigurement;~~

~~(d) (4) Any physical harm that involves acute pain of a
duration that results in substantial suffering or any degree of
prolonged or intractable pain.~~

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

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

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

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

~~(7) "Without provocation" means that a dog was not teased,
tormented, or abused by a person, or that the dog was not coming
to the aid or the defense of a person who was not engaged in
illegal or criminal activity and who was not using the dog as a
means of carrying out such activity.~~

~~(B) Upon the transfer of ownership of any dog, the seller
of the dog shall give the buyer a transfer of ownership
certificate that shall be signed by the seller. The certificate~~

~~shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the county auditor. A transfer of ownership shall be recorded by the auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of five dollars.~~ 249
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~~(C) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.~~ 256
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~~(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:~~ 261
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~~(1) The name and address of the buyer or other transferee of the dog;~~ 270
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~~(2) The age, sex, color, breed, and current registration number of the dog.~~ 272
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~~In addition, the seller shall answer the following questions, which shall be specifically stated on the form as follows:~~ 274
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~~"Has the dog ever chased or attempted to attack or bite a~~ 277

~~person? If yes, describe the incident(s) in which the behavior occurred."~~ 278
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~~"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."~~ 280
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~~"Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."~~ 282
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~~The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.~~ 284
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~~(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.~~ 286
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(G) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 289
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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, ~~and 955.50 to 955.53~~ 955.54, and 955.60 of the Revised Code. 291
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The warden and deputies shall give bond in a sum not less than five hundred dollars and not more than two thousand dollars, as set by the board, conditioned for the faithful performance of their duties. The bond or bonds may, in the discretion of the board, be individual or blanket bonds. The bonds shall be filed with the county auditor of their respective counties. 298
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(B) The warden and deputies shall make a record of all 305

dogs owned, kept, and harbored in their respective counties. 306
They shall patrol their respective counties and seize and 307
impound on sight all dogs found running at large and all dogs 308
more than three months of age found not wearing a valid 309
registration tag, except any dog that wears a valid registration 310
tag and is: on the premises of its owner, keeper, or harborer, 311
under the reasonable control of its owner or some other person, 312
hunting with its owner or its handler at a field trial, kept 313
constantly confined in a dog kennel registered under this 314
chapter or one licensed under Chapter 956. of the Revised Code, 315
or acquired by, and confined on the premises of, an institution 316
or organization of the type described in section 955.16 of the 317
Revised Code. A dog that wears a valid registration tag may be 318
seized on the premises of its owner, keeper, or harborer and 319
impounded only in the event of a natural disaster. 320

(C) If a dog warden has reason to believe that a dog is 321
being treated inhumanely on the premises of its owner, keeper, 322
or harborer, the warden shall apply to the court of common pleas 323
for the county in which the premises are located for an order to 324
enter the premises, and if necessary, seize the dog. If the 325
court finds probable cause to believe that the dog is being 326
treated inhumanely, it shall issue such an order. 327

(D) The warden and deputies shall ~~also~~ investigate all 328
claims for damages to animals reported to them under section 329
955.29 of the Revised Code and assist claimants to fill out the 330
claim form therefor. They shall make weekly reports, in writing, 331
to the board in their respective counties of all dogs seized, 332
impounded, redeemed, and destroyed and of all claims for damage 333
to animals inflicted by dogs. 334

(E) The wardens and deputies shall have the same police 335

powers, including the authority to make arrests, as are 336
conferred upon sheriffs and police officers in the performance 337
of their duties as prescribed by sections 955.01 to 955.27, 338
955.29 to 955.38, ~~and 955.50 to 955.53~~ 955.54, and 955.60 of the 339
Revised Code. They shall also have power to summon the 340
assistance of bystanders in performing their duties and may 341
serve writs and other legal processes issued by any court in 342
their respective counties with reference to enforcing those 343
sections. County auditors may deputize the wardens or deputies 344
to issue dog licenses as provided in sections 955.01 and 955.14 345
of the Revised Code. 346

(F) Whenever any person files an affidavit in a court of 347
competent jurisdiction that there is a dog running at large that 348
is not kept constantly confined either in a dog kennel 349
registered under this chapter or one licensed under Chapter 956. 350
of the Revised Code or on the premises of an institution or 351
organization of the type described in section 955.16 of the 352
Revised Code or that a dog is kept or harbored in the warden's 353
jurisdiction without being registered as required by law, the 354
court shall immediately order the warden to seize and impound 355
the dog. Thereupon the warden shall immediately seize and 356
impound the dog complained of. The warden shall give immediate 357
notice by certified mail to the owner, keeper, or harborer of 358
the dog seized and impounded by the warden, if the owner, 359
keeper, or harborer can be determined from the current year's 360
registration list maintained by the warden and the county 361
auditor of the county where the dog is registered, that the dog 362
has been impounded and that, unless the dog is redeemed within 363
fourteen days of the date of the notice, it may thereafter be 364
sold or destroyed according to law. If the owner, keeper, or 365
harborer cannot be determined from the current year's 366

registration list maintained by the warden and the county 367
auditor of the county where the dog is registered, the officer 368
shall post a notice in the pound or animal shelter both 369
describing the dog and place where seized and advising the 370
unknown owner that, unless the dog is redeemed within three 371
days, it may thereafter be sold or destroyed according to law. 372

As used in this section, "animal" has the same meaning as 373
in section 955.51 of the Revised Code. 374

Sec. 955.13. (A) Upon the transfer of ownership of any 375
dog, the seller of the dog shall give the buyer a transfer of 376
ownership certificate that shall be signed by the seller. The 377
certificate shall contain the registration number of the dog, 378
the name of the seller, and a brief description of the dog. 379
Blank forms of the certificate may be obtained from the county 380
auditor. A transfer of ownership shall be recorded by the 381
auditor upon presentation of a transfer of ownership certificate 382
that is signed by the former owner of a dog and that is 383
accompanied by a fee of five dollars. 384

(B) Prior to the transfer of ownership or possession of 385
any dog, upon the buyer's or other transferee's request, the 386
seller or other transferor of the dog shall give to the person a 387
written notice relative to the behavior and propensities of the 388
dog. 389

(C) Not later than ten days after the transfer of 390
ownership or possession of any dog, if the seller or other 391
transferor of the dog has knowledge that the dog is a dangerous 392
dog, the seller or other transferor shall give to the buyer or 393
other transferee, the board of health of the health district in 394
which the buyer or other transferee resides, and the dog warden 395
of the county in which the buyer or other transferee resides a 396

completed copy of a written form on which the seller shall 397
furnish the following information: 398

(1) The name and address of the buyer or other transferee 399
of the dog; 400

(2) The age, sex, color, breed, and current registration 401
number of the dog. 402

In addition, the seller shall answer the following 403
questions, which shall be specifically stated on the form as 404
follows: 405

"Has the dog ever chased or attempted to attack or bite a 406
person? If yes, describe the incident(s) in which the behavior 407
occurred." 408

"Has the dog ever bitten a person? If yes, describe the 409
incident(s) in which the behavior occurred." 410

"Has the dog ever seriously injured or killed a person? If 411
yes, describe the incident(s) in which the behavior occurred." 412

The dog warden of the county in which the seller resides 413
shall furnish the form to the seller at no cost. 414

(D) No seller or other transferor of a dog shall fail to 415
comply with the applicable requirements of this section. 416

Sec. 955.22. ~~(A) As used in this section, "dangerous dog"~~ 417
~~has the same meaning as in section 955.11 of the Revised Code.~~ 418

~~(B)~~ No owner, keeper, or harbinger of any female dog shall 419
permit ~~it~~ the dog to go beyond the premises of the owner, 420
keeper, or harbinger at any time the dog is in heat unless the 421
dog is properly in leash. 422

~~(C)~~ (B) Except when a dog is lawfully engaged in hunting 423

and accompanied by the owner, keeper, harborer, or handler of 424
the dog, no owner, keeper, or harborer of any dog shall fail at 425
any time to do either of the following: 426

(1) Keep the dog physically confined or restrained upon 427
the premises of the owner, keeper, or harborer by a leash, 428
tether, adequate fence, supervision, or secure enclosure to 429
prevent escape; 430

(2) Keep the dog under the reasonable control of some 431
person. 432

~~(D) Except when a dangerous dog is lawfully engaged in 433
hunting or training for the purpose of hunting and is 434
accompanied by the owner, keeper, harborer, or handler of the 435
dog, no owner, keeper, or harborer of a dangerous dog shall fail 436
to do either of the following: 437~~

~~(1) While that dog is on the premises of the owner, 438
keeper, or harborer, securely confine it at all times in a 439
locked pen that has a top, locked fenced yard, or other locked 440
enclosure that has a top; 441~~

~~(2) While that dog is off the premises of the owner, 442
keeper, or harborer, keep that dog on a chain-link leash or 443
tether that is not more than six feet in length and additionally 444
do at least one of the following: 445~~

~~(a) Keep that dog in a locked pen that has a top, locked 446
fenced yard, or other locked enclosure that has a top; 447~~

~~(b) Have the leash or tether controlled by a person who is 448
of suitable age and discretion or securely attach, tie, or affix 449
the leash or tether to the ground or a stationary object or 450
fixture so that the dog is adequately restrained and station 451
such a person in close enough proximity to that dog so as to 452~~

~~prevent it from causing injury to any person;~~ 453

~~(c) Muzzle that dog.~~ 454

~~(E) No person who has been convicted of or pleaded guilty to three or more violations of division (C) of this section involving the same dog and no owner, keeper, or harborer of a dangerous dog shall fail to do the following:~~ 455
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~~(1) Obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;~~ 459
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~~(2) Obtain a dangerous dog registration certificate from the 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;~~ 466
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~~(3) Notify the local dog warden immediately if any of the following occurs:~~ 471
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~~(a) The dog is loose or unconfined.~~ 473

~~(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.~~ 474
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~~(c) The dog attacks another animal while the dog is off the property of the owner of the dog.~~ 478
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~~(4) If the dog is sold, given to another person, or dies,~~ 480

~~notify the county auditor within ten days of the sale, transfer, or death.~~ 481
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~~(F) No person shall do any of the following:~~ 483

~~(1) Debark or surgically silence a dog that the person knows or has reason to believe is a dangerous dog;~~ 484
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~~(2) Possess a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;~~ 486
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~~(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.~~ 489
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~~(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:~~ 493
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~~(1) The veterinarian's license number and current business address;~~ 497
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~~(2) The number of the license of the dog if the dog is licensed;~~ 499
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~~(3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;~~ 501
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~~(4) The signature of the owner of the dog attesting that the owner's dog is not a dangerous dog;~~ 503
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~~(5) A statement that division (F) of section 955.22 of the Revised Code prohibits any person from doing any of the following:~~ 505
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- ~~(a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a dangerous dog;~~ 508
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- ~~(b) Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;~~ 510
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- ~~(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.~~ 513
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- ~~(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.~~ 517
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- ~~(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:~~ 523
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- ~~(a) A fee of fifty dollars;~~ 527
- ~~(b) The person's address, phone number, and other appropriate means for the local dog warden or county auditor to contact the person;~~ 528
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- ~~(c) With respect to the person and the dog for which the registration is sought, all of the following:~~ 531
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- ~~(i) Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the~~ 533
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~~dog;~~ 536

~~(ii) Either satisfactory evidence of the fact that the dog~~ 537
~~has been neutered or spayed or a statement from a licensed~~ 538
~~veterinarian that neutering or spaying of the dog is medically~~ 539
~~contraindicated;~~ 540

~~(iii) Satisfactory evidence of the fact that the person~~ 541
~~has posted and will continue to post clearly visible signs at~~ 542
~~the person's residence warning both minors and adults of the~~ 543
~~presence of a dangerous dog on the property;~~ 544

~~(iv) Satisfactory evidence of the fact that the dog has~~ 545
~~been permanently identified by means of a microchip and the~~ 546
~~dog's microchip number.~~ 547

~~(2) Upon the issuance of a dangerous dog registration~~ 548
~~certificate to the owner of a dog, the county auditor shall~~ 549
~~provide the owner with a uniformly designed tag that identifies~~ 550
~~the animal as a dangerous dog. The owner shall renew the~~ 551
~~certificate annually for the same fee and in the same manner as~~ 552
~~the initial certificate was obtained. If a certificate holder~~ 553
~~relocates to a new county, the certificate holder shall follow~~ 554
~~the procedure in division (I) (3) (b) of this section and, upon~~ 555
~~the expiration of the certificate issued in the original county,~~ 556
~~shall renew the certificate in the new county.~~ 557

~~(3) (a) If the owner of a dangerous dog for whom a~~ 558
~~registration certificate has previously been obtained relocates~~ 559
~~to a new address within the same county, the owner shall provide~~ 560
~~notice of the new address to the county auditor within ten days~~ 561
~~of relocating to the new address.~~ 562

~~(b) If the owner of a dangerous dog for whom a~~ 563
~~registration certificate has previously been obtained relocates~~ 564

~~to a new address within another county, the owner shall do both~~ 565
~~of the following within ten days of relocating to the new~~ 566
~~address.~~ 567

~~(i) Provide written notice of the new address and a copy~~ 568
~~of the original dangerous dog registration certificate to the~~ 569
~~county auditor of the new county;~~ 570

~~(ii) Provide written notice of the new address to the~~ 571
~~county auditor of the county where the owner previously resided.~~ 572

~~(4) The owner of a dangerous dog shall present the~~ 573
~~dangerous dog registration certificate upon being requested to~~ 574
~~do so by any law enforcement officer, dog warden, or public~~ 575
~~health official charged with enforcing this section.~~ 576

~~(5) The fees collected pursuant to this division shall be~~ 577
~~deposited in the dog and kennel fund of the county.~~ 578

Sec. 955.222. (A) The municipal court or county court that 579
has territorial jurisdiction over the residence of the owner, 580
keeper, or harbinger of a dog shall conduct any hearing 581
concerning the designation of the dog as a nuisance dog, 582
dangerous dog, or vicious dog. 583

(B) If a person who is authorized to enforce this chapter 584
has reasonable cause to believe that a dog in the person's 585
jurisdiction is a nuisance dog, dangerous dog, or vicious dog, 586
the person shall notify the owner, keeper, or harbinger of that 587
dog, by certified mail or in person, of both of the following: 588

(1) That the person has designated the dog a nuisance dog, 589
dangerous dog, or vicious dog, as applicable; 590

(2) That the owner, keeper, or harbinger of the dog may 591
request a hearing regarding the designation in accordance with 592

this section. The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or harborer resides.

Reasonable cause may be supported by one or more notarized affidavits of a witness describing the situation in which the witness saw the dog engage in behavior that may warrant designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

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

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

(D) A court, upon motion of an owner, keeper, or harborer or an attorney representing the owner, keeper, or harborer, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harborer until the court makes a final determination under this section or during the pendency of an appeal, as applicable.

Until the court makes a final determination and during the pendency of any appeal, the dog shall be confined or restrained in accordance with ~~the provisions of division (D)~~ (A) of section ~~955.22-955.223~~ 955.22-955.223 of the Revised Code ~~that apply to dangerous dogs~~ regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or harborer of the dog shall not be required to comply with any other requirements established in the Revised Code that concern a nuisance dog, dangerous dog, or vicious dog, as applicable, until the court makes a final determination and during the pendency of any appeal.

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

(F) If a dog is finally determined under this section, or on appeal as described in this section, to be a vicious dog, 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 harborer of the dog as if the dog were a dangerous dog, and section 955.54 of the Revised Code applies with respect to the dog as if it were a dangerous dog, and the court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harborer in that manner. As part of the order, the court shall require the owner, keeper, or harborer to obtain the liability insurance required under division (E) (1) of section 955.22 of the Revised Code in an amount described in division (H) (2) of section 955.99 of the Revised Code the court shall order the dog to be humanely

destroyed by a licensed veterinarian, the county dog warden, or 654
the county humane society at the owner's expense. 655

~~(F) As used in this section, "nuisance dog," "dangerous~~ 656
~~dog," and "vicious dog" have the same meanings as in section~~ 657
~~955.11 of the Revised Code.~~ 658

Sec. 955.223. (A) Except when a dangerous dog is lawfully 659
engaged in hunting or training for the purpose of hunting and is 660
accompanied by the owner, keeper, harbinger, or handler of the 661
dog, no owner, keeper, or harbinger of a dangerous dog shall fail 662
to do either of the following: 663

(1) While that dog is on the premises of the owner, 664
keeper, or harbinger, securely confine it at all times in a 665
locked pen that has a top, locked fenced yard, or other locked 666
enclosure that has a top; 667

(2) While that dog is off the premises of the owner, 668
keeper, or harbinger, keep that dog on a chain-link leash or 669
tether that is not more than six feet in length and additionally 670
do at least one of the following: 671

(a) Keep that dog in a locked pen that has a top, locked 672
fenced yard, or other locked enclosure that has a top; 673

(b) Have the leash or tether controlled by a person who is 674
of suitable age and discretion or securely attach, tie, or affix 675
the leash or tether to the ground or a stationary object or 676
fixture so that the dog is adequately restrained and station 677
such a person in close enough proximity to that dog so as to 678
prevent it from causing injury to any person; 679

(c) Muzzle that dog. 680

(B) No owner, keeper, or harbinger of a dangerous dog shall 681

fail to do any of the following: 682

(1) Obtain liability insurance with an insurer authorized 683
to write liability insurance in this state providing coverage in 684
each occurrence because of damage or bodily injury to or death 685
of a person caused by the dangerous dog if so ordered by a court 686
and provide proof of that liability insurance upon request to 687
any law enforcement officer, county dog warden, or public health 688
official authorized to enforce this chapter; 689

(2) Obtain a dangerous dog registration certificate from 690
the county auditor pursuant to section 955.224 of the Revised 691
Code, affix a tag that identifies the dog as a dangerous dog to 692
the dog's collar, and ensure that the dog wears the collar and 693
tag at all times; 694

(3) Notify the local dog warden immediately if any of the 695
following occurs: 696

(a) The dog is loose or unconfined. 697

(b) The dog bites a person unless the dog is on the 698
property of the owner of the dog and the person who is bitten is 699
unlawfully trespassing or committing a criminal act within the 700
boundaries of that property. 701

(c) The dog attacks another animal while the dog is off 702
the property of the owner of the dog. 703

(4) If the dog is sold, given to another person, or dies, 704
notify the county auditor within ten days of the sale, transfer, 705
or death. 706

Sec. 955.224. (A) (1) Not later than thirty days after a 707
dog has been designated a dangerous dog under section 955.222 of 708
the Revised Code or a person acquires ownership of a dangerous 709

dog, the owner of the dog shall file an application for a 710
dangerous dog registration certificate in the office of the 711
county auditor of the county in which the owner resides. The 712
owner shall renew the certificate annually by filing an 713
application on or after the first day of December, but not later 714
than the thirty-first day of January each year. 715

(2) If an application for a dangerous dog registration 716
certificate is not filed and the registration fee established in 717
this section paid by the applicable deadline established in 718
division (A) (1) of this section, the auditor shall assess a 719
penalty in an amount equal to the dangerous registration fee. 720

(3) Registration of a dangerous dog required by this 721
section is in addition to the registration required by section 722
955.01 of the Revised Code. 723

(B) The county auditor shall issue a dangerous dog 724
registration certificate to a person who is the owner of a dog, 725
who is eighteen years of age or older, and who provides the 726
following to the county auditor: 727

(1) A fee of fifty dollars for an annual registration or, 728
if the initial registration period is less than twelve months, a 729
fee equal to a prorated amount as determined by the county 730
auditor; 731

(2) The person's address, telephone number, and other 732
appropriate means for the county dog warden or county auditor to 733
contact the person; 734

(3) With respect to the person and the dog for which the 735
registration is sought, all of the following: 736

(a) Either satisfactory evidence of the dog's current 737
rabies vaccination or a statement from a licensed veterinarian 738

that a rabies vaccination is medically contraindicated for the 739
dog; 740

(b) Either satisfactory evidence of the fact that the dog 741
has been neutered or spayed or a statement from a licensed 742
veterinarian that neutering or spaying of the dog is medically 743
contraindicated; 744

(c) Satisfactory evidence of the fact that the person has 745
posted and will continue to post clearly visible signs at the 746
person's residence warning both minors and adults of the 747
presence of a dangerous dog on the property; 748

(d) Satisfactory evidence of the fact that the dog has 749
been permanently identified by means of a microchip and the 750
dog's microchip number. 751

(C) Upon the issuance of a dangerous dog registration 752
certificate to the owner of a dog, the county auditor shall 753
provide the owner with a uniformly designed tag that identifies 754
the animal as a dangerous dog. If a certificate holder relocates 755
to a new county, the certificate holder shall follow the 756
procedure established in division (D) (2) of this section and, 757
upon the expiration of the certificate issued in the original 758
county, shall renew the certificate in the new county. 759

(D) (1) If the owner of a dangerous dog for whom a 760
registration certificate has previously been obtained relocates 761
to a new address within the same county, the owner shall provide 762
notice of the new address to the county auditor within ten days 763
of relocating to the new address. 764

(2) If the owner of a dangerous dog for whom a 765
registration certificate has previously been obtained relocates 766
to a new address within another county, the owner shall do both 767

of the following within ten days of relocating to the new 768
address: 769

(a) Provide written notice of the new address and a copy 770
of the original dangerous dog registration certificate to the 771
county auditor of the new county; 772

(b) Provide written notice of the new address to the 773
county auditor of the county where the owner previously resided. 774

(E) The owner of a dangerous dog shall present the 775
dangerous dog registration certificate upon being requested to 776
do so by any law enforcement officer, dog warden, or public 777
health official authorized to enforce this chapter. 778

(F) The fees and penalties collected pursuant to this 779
section shall be deposited in the dog and kennel fund of the 780
applicable county. 781

Sec. 955.225. (A) No person shall do any of the following: 782

(1) Debark or surgically silence a dog that the person 783
knows or has reason to believe is a dangerous dog; 784

(2) Possess a dangerous dog if the person knows or has 785
reason to believe that the dog has been debarked or surgically 786
silenced; 787

(3) Falsely attest on a waiver form provided by a 788
veterinarian under division (B) of this section that the 789
person's dog is not a dangerous dog or otherwise provide false 790
information on that written waiver form. 791

(B) Before a veterinarian debarks or surgically silences a 792
dog, the veterinarian may give the owner of the dog a written 793
waiver form that attests that the dog is not a dangerous dog. 794
The written waiver form shall include all of the following: 795

- (1) The veterinarian's license number and current business address; 796
797
- (2) The number of the dog's registration issued under section 955.01 of the Revised Code if the dog is so registered; 798
799
- (3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog; 800
801
- (4) The signature of the owner of the dog attesting that the owner's dog is not a dangerous dog; 802
803
- (5) A statement that division (A) of section 955.225 of the Revised Code prohibits any person from doing any of the following: 804
805
806
- (a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a dangerous dog; 807
808
- (b) Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced; 809
810
811
- (c) Falsely attesting on a waiver form provided by a veterinarian under division (B) of section 955.225 of the Revised Code that the person's dog is not a dangerous dog or otherwise providing false information on that written waiver form. 812
813
814
815
816
- (C) It is an affirmative defense to a charge of a violation of division (A) 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 (B) of this section and that attests that the dog is not a dangerous dog. 817
818
819
820
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822
- Sec. 955.226. In a prosecution for a violation of division 823

(B) of section 955.22 of the Revised Code in connection with 824
which a dog has caused injury or serious injury to or the death 825
of a person or companion animal, any of the following may be 826
asserted as an affirmative defense, as applicable: 827

(A) The dog was teased, tormented, or abused by a person. 828

(B) The dog was coming to the aid or defense of a person 829
who was not engaged in illegal or criminal activity and who was 830
not using the dog as a means of carrying out such activity. 831

(C) The dog caused injury or serious injury to a person or 832
killed a person while the person was committing or attempting to 833
commit a trespass or other criminal offense on the property of 834
the owner, keeper, or harborer of the dog. 835

Sec. 955.44. All fines collected for violations of 836
sections ~~955.11~~955.13, 955.21, 955.22, 955.23, 955.223, 955.224, 837
955.225, 955.25, and 955.261, and 955.60 of the Revised Code 838
shall be deposited in the county treasury to the credit of the 839
dog and kennel fund. 840

Sec. 955.54. (A) No person who is convicted of or pleads 841
guilty to a felony offense of violence committed on or after ~~the~~ 842
~~effective date of this section May 22, 2012, or~~ a felony 843
violation of any provision of Chapter 959., 2923., or 2925. of 844
the Revised Code committed on or after ~~the effective date of~~ 845
~~this section May 22, 2012, or a violation of division (B) of~~ 846
section 2919.22 of the Revised Code committed on or after the 847
effective date of this amendment shall knowingly own, possess, 848
have custody of, or reside in a residence with either of the 849
following for a period of ~~three~~ five years commencing either 850
upon the date of release of the person from any period of 851
incarceration imposed for the offense or violation or, if the 852

person is not incarcerated for the offense or violation, upon 853
the date of the person's final release from the other sanctions 854
imposed for the offense or violation: 855

(1) An unspayed or unneutered dog older than twelve weeks 856
of age; 857

(2) Any dog that has been determined to be a dangerous dog 858
under ~~Chapter 955. of the Revised Code~~this chapter. 859

(B) A person described in division (A) of this section 860
shall microchip for permanent identification any dog owned, 861
possessed by, or in the custody of the person. 862

(C) (1) Division (A) of this section does not apply to any 863
person who is confined in a correctional institution of the 864
department of rehabilitation and correction. 865

(2) Division (A) of this section does not apply to any 866
person with respect to any dog that the person owned, possessed, 867
had custody of, or resided in a residence with prior to ~~the~~ 868
effective date of this section May 22, 2012, or, with regard to 869
a violation of division (B) of section 2919.22 of the Revised 870
Code, prior to the effective date of this amendment. 871

Sec. 955.60. (A) Any person authorized to enforce this 872
chapter shall investigate any complaint that indicates a 873
possible violation of any provision of this chapter involving a 874
dog. 875

(B) If, after investigating an alleged violation of this 876
chapter under division (A) of this section, an authorized person 877
does not cite a person for or charge a person with a violation, 878
the authorized person shall notify, in accordance with division 879
(C) of this section, the owner, keeper, or harbinger of the dog 880
that there has been a complaint regarding the dog and that the 881

authorized person investigated a possible violation. The notice 882
shall specify all of the following: 883

(1) A citation to the provision or provisions of law a 884
possible violation of which the authorized person investigated; 885

(2) Contact information for the authorized person; 886

(3) A requirement that the owner, keeper, or harborer of 887
the dog respond to the authorized person indicating that the 888
owner, keeper, or harborer has received the notice. 889

(C) The authorized person shall post the notice on the 890
door of the dwelling at which the dog resides within twenty-four 891
hours of the authorized person's investigation. The owner, 892
keeper, or harborer of the dog shall respond within forty-eight 893
hours to the authorized person via email, facsimile, telephone, 894
or social media correspondence, indicating that the owner, 895
keeper, or harborer has received the notice. If the owner, 896
keeper, or harborer of the dog responds within a reasonable time 897
after the forty-eight-hour period, the person is not subject to 898
division (D)(1) of this section, provided that the response is 899
accompanied with a reasonable explanation of why the forty- 900
eight-hour response deadline was not met. 901

(D) If the owner, keeper, or harborer of the dog does not 902
respond within: 903

(1) Forty-eight hours or does not respond within a 904
reasonable time after the notice is posted as provided in 905
division (C) of this section, the owner, keeper, or harborer of 906
the dog shall be fined twenty-five dollars. 907

(2) Ninety-six hours after the notice is posted, the 908
owner, keeper, or harborer of the dog shall be fined forty 909
dollars. 910

(3) Seven days after the notice is posted, a court may 911
issue a summons or warrant for the arrest of the owner, keeper, 912
or harbinger of the dog. 913

(E) The fines collected pursuant to this section shall be 914
deposited in the dog and kennel fund of the applicable county. 915

Sec. 955.99. (A) ~~(1)~~ Whoever violates division ~~(E)~~ (D) of 916
section ~~955.11~~ 955.13 of the Revised Code ~~because of a failure~~ 917
~~to comply with division (B) of that section is guilty of a minor~~ 918
~~misdemeanor.~~ 919

~~(2) Whoever violates division (E) of section 955.11 of the~~ 920
~~Revised Code because of a failure to comply with division (C) or~~ 921
~~(D) of that section is guilty of a minor misdemeanor on a first~~ 922
~~offense and of a misdemeanor of the fourth degree~~ on a first 923
offense and a misdemeanor of the third degree on each subsequent 924
offense. 925

(B) Whoever violates section 955.10, 955.23, 955.24, or 926
955.25 of the Revised Code is guilty of a minor misdemeanor. 927

(C) Whoever violates section 955.261, 955.39, or 955.50 of 928
the Revised Code is guilty of a minor misdemeanor on a first 929
offense and of a misdemeanor of the fourth degree on each 930
subsequent offense. 931

(D) Whoever violates division (F) of section 955.16 or 932
division (B) of section 955.43 of the Revised Code is guilty of 933
a misdemeanor of the fourth degree. 934

(E) (1) Whoever violates section 955.21 of the Revised 935
Code, violates division ~~(B)~~ (A) of section 955.22 of the Revised 936
Code, or commits a violation of division ~~(C)~~ (B) of section 937
955.22 of the Revised Code that involves a dog that is not a 938
nuisance dog, dangerous dog, or vicious dog shall be fined not 939

less than twenty-five dollars or more than one hundred dollars 940
on a first offense, and on each subsequent offense shall be 941
fined not less than seventy-five dollars or more than two 942
hundred fifty dollars and may be imprisoned for not more than 943
thirty days. 944

(2) In addition to the penalties prescribed in division 945
(E) (1) of this section, if the offender is guilty of a violation 946
of division ~~(B)~~(A) of section 955.22 of the Revised Code or a 947
violation of division ~~(C)~~(B) of section 955.22 of the Revised 948
Code that involves a dog that is not a nuisance dog, dangerous 949
dog, or vicious dog, the court may order the offender to 950
personally supervise the dog that the offender owns, keeps, or 951
harbors, to cause that dog to complete dog obedience training, 952
or to do both. 953

(F) (1) Whoever commits a violation of division ~~(C)~~(B) of 954
section 955.22 of the Revised Code that involves a nuisance dog 955
is guilty of a minor misdemeanor on the first offense and of a 956
misdemeanor of the fourth degree on each subsequent offense 957
involving the same dog. Upon a person being convicted of or 958
pleading guilty to a third violation of division ~~(C)~~(B) of 959
section 955.22 of the Revised Code involving the same dog, the 960
court shall require the offender to register the involved dog as 961
a dangerous dog. 962

(2) In addition to the penalties prescribed in division 963
(F) (1) of this section, if a violation of division ~~(C)~~(B) of 964
section 955.22 of the Revised Code involves a nuisance dog, the 965
court may order the offender to personally supervise the 966
nuisance dog that the offender owns, keeps, or harbors, to cause 967
that dog to complete dog obedience training, or to do both. 968

(G) (1) Whoever commits a violation of division ~~(C)~~(B) of 969

section 955.22 of the Revised Code that involves a dangerous dog 970
or a violation of division ~~(D)~~ (A) of ~~that~~ section 955.223 of 971
the Revised Code is guilty of a misdemeanor of the fourth degree 972
on a first offense and of a misdemeanor of the third degree on 973
each subsequent offense. Additionally, the court may order the 974
offender to personally supervise the dangerous dog that the 975
offender owns, keeps, or harbors, to cause that dog to complete 976
dog obedience training, or to do both, and the court may order 977
the offender to obtain liability insurance pursuant to division 978
~~(E)~~ (B) of section ~~955.22~~ 955.223 of the Revised Code. The 979
court, in the alternative, may order the dangerous dog to be 980
humanely destroyed by a licensed veterinarian, the county dog 981
warden, or the county humane society at the owner's expense. 982

(2) With respect to a violation of division ~~(C)~~ (B) of 983
section 955.22 of the Revised Code that involves a dangerous 984
dog, until the court makes a final determination and during the 985
pendency of any appeal of a violation of that division and at 986
the discretion of the dog warden, the dog shall be confined or 987
restrained in accordance with division ~~(D)~~ (A) of section ~~955.22~~ 988
955.223 of the Revised Code or at the county dog pound at the 989
owner's expense. 990

(H) (1) Whoever commits a violation of division ~~(C)~~ (B) of 991
section 955.22 of the Revised Code that involves a ~~vicious~~ dog 992
that is described in this division is guilty of one of the 993
following: 994

(a) A felony of the ~~fourth~~ fifth degree if the dog kills 995
or causes serious injury to a person. Additionally, if the dog 996
kills a person, the court shall order that the ~~vicious~~ dog be 997
humanely destroyed by a licensed veterinarian, the county dog 998
warden, or the county humane society at the owner's expense. If 999

the dog causes serious injury to a person, the court may order 1000
that the dog be humanely destroyed in such a manner. 1001

(b) A felony of the fourth degree if the dog kills or 1002
causes serious injury to a person and the person in violation 1003
has previously been sentenced under division (H) (1) (a) or (c) of 1004
this section. Additionally, if the dog kills a person, the court 1005
shall order that the dog be humanely destroyed by a licensed 1006
veterinarian, the county dog warden, or the county humane 1007
society at the owner's expense. If the dog causes serious injury 1008
to a person, the court may order that the dog be humanely 1009
destroyed in such a manner. 1010

(c) A misdemeanor of the first degree if the dog causes 1011
serious injury, other than serious injury, to a person or causes 1012
injury, serious injury, or death to a companion animal. 1013
Additionally, if the dog causes injury to a person or injury or 1014
serious injury to a companion animal, the court may order that 1015
the vicious dog to be humanely destroyed by a licensed 1016
veterinarian, the county dog warden, or the county humane 1017
society at the owner's expense. If the dog kills a companion 1018
animal, the court shall order that the dog be humanely destroyed 1019
in such a manner. 1020

(d) A felony of the fifth degree if the dog causes injury, 1021
other than serious injury, to a person or causes injury, serious 1022
injury, or death to a companion animal and the person in 1023
violation has previously been sentenced under division (H) (1) (a) 1024
or (c) of this section. Additionally, if the dog causes injury 1025
to a person or injury or serious injury to a companion animal, 1026
the court may order that the dog be humanely destroyed by a 1027
licensed veterinarian, the county dog warden, or the county 1028
humane society at the owner's expense. If the dog kills a 1029

companion animal, the court shall order that the dog be humanely 1030
destroyed in such a manner. 1031

(2) ~~If the court does not order the vicious dog to be~~ 1032
~~destroyed under division (H) (1) (b) of this section, the court~~ 1033
~~shall issue an order that specifies that division (D) of section~~ 1034
~~955.11 and divisions (D) to (I) of section 955.22 of the Revised~~ 1035
~~Code apply with respect to the dog and the owner, keeper, or~~ 1036
~~harborer of the dog as if the dog were a dangerous dog and that~~ 1037
~~section 955.54 of the Revised Code applies with respect to the~~ 1038
~~dog as if it were a dangerous dog. As part of the order, the~~ 1039
~~court shall order the offender to obtain the liability insurance~~ 1040
~~required under division (E) (1) of section 955.22 of the Revised~~ 1041
~~Code in an amount, exclusive of interest and costs, that equals~~ 1042
~~or exceeds one hundred thousand dollars. Until the court makes a~~ 1043
final determination and during the pendency of any appeal of a 1044
violation of division ~~(C)~~ (B) of section 955.22 of the Revised 1045
Code and at the discretion of the dog warden, the dog shall be 1046
confined or restrained in accordance with the provisions 1047
described in division ~~(D)~~ (A) of section ~~955.22~~ 955.223 of the 1048
Revised Code or at the county dog pound at the owner's expense. 1049

(I) Whoever violates division (A) (2) of section 955.01 of 1050
the Revised Code is guilty of a misdemeanor of the first degree. 1051

(J) Whoever violates division ~~(E)~~ (B) (2) of section ~~955.22~~ 1052
955.223 of the Revised Code is guilty of a misdemeanor of the 1053
fourth degree. 1054

(K) Whoever violates division (C) of section 955.221 of 1055
the Revised Code is guilty of a minor misdemeanor. Each day of 1056
continued violation constitutes a separate offense. Fines levied 1057
and collected for violations of that division shall be 1058
distributed by the mayor or clerk of the municipal or county 1059

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)~~(A) (1), (2), or (3) of section ~~955.22~~955.225 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)~~(A) (1), (2), or (3) of section ~~955.22~~955.225 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)~~(A) of section ~~955.22~~955.223 of the Revised Code or at the county dog pound at the owner's expense.

(M) Whoever violates division ~~(E)~~(B) (1), (3), or (4) of section ~~955.22~~955.223 of the Revised Code is guilty of a minor misdemeanor.

(N) Whoever violates division ~~(I)~~(4) ~~(E)~~ of section ~~955.22~~955.224 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 1089
of the dog or in another conspicuous place on the premises at 1090
which the dog was seized. The notice shall include a statement 1091
that a security in the amount of one hundred dollars is due to 1092
the county dog warden within ten days to secure payment of all 1093
reasonable expenses, including medical care and boarding of the 1094
dog for sixty days, expected to be incurred by the county dog 1095
pound in caring for the dog pending the determination. The 1096
county dog warden may draw from the security any actual costs 1097
incurred in caring for the dog. 1098

(2) If the person ordered to post security under division 1099
(P)(1) of this section does not do so within ten days of the 1100
confinement of the animal, the dog is forfeited, and the county 1101
dog warden may determine the disposition of the dog unless the 1102
court issues an order that specifies otherwise. 1103

(3) Not more than ten days after the court makes a final 1104
determination under division (G), (H), or (L) of this section, 1105
the county dog warden shall provide the owner of the dog with 1106
the actual cost of the confinement of the dog. If the county dog 1107
warden finds that the security provided under division (P)(1) of 1108
this section is less than the actual cost of confinement of the 1109
dog, the owner shall remit the difference between the security 1110
provided and the actual cost to the county dog warden within 1111
thirty days after the court's determination. If the county dog 1112
warden finds that the security provided under division (P)(1) of 1113
this section is greater than that actual cost, the county dog 1114
warden shall remit the difference between the security provided 1115
and the actual cost to the owner within thirty days after the 1116
court's determination. 1117

~~(Q) As used in this section, "nuisance dog," "dangerous"~~ 1118

~~dog," and "vicious dog" have the same meanings as in section 1119
955.11 of the Revised Code. 1120~~

Section 2. That existing sections 109.73, 955.11, 955.12, 1121
955.22, 955.222, 955.44, 955.54, and 955.99 of the Revised Code 1122
are hereby repealed. 1123

Section 3. The owner of a dog who holds a valid dangerous 1124
dog registration certificate for the dog that was issued under 1125
division (I) of section 955.22 of the Revised Code as that 1126
section existed prior to its amendment by this act shall renew 1127
the certificate beginning December 1 of the year in which this 1128
act takes effect, but not later than January 31 of the 1129
subsequent year regardless of when the owner would have been 1130
required to renew the certificate under former law. Except as 1131
otherwise provided in this section, the owner shall file the 1132
application in accordance with section 955.224 of the Revised 1133
Code as enacted by this act. 1134

If the renewal required by this section results in a 1135
reduction of the registration period for which the owner paid 1136
fifty dollars under former law, the owner shall pay a 1137
registration fee for the renewal required by this section in an 1138
amount that is prorated as determined by the county auditor of 1139
the county in which the owner resides. Thereafter, the owner 1140
shall renew the dangerous dog registration certificate in 1141
accordance with section 955.224 of the Revised Code as enacted 1142
by this act. 1143

Section 4. This act shall be known as the Klonda Richey 1144
Act. 1145