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## Substitute Bill Comparative Synopsis

**Sub. H.B. 247**

**136<sup>th</sup> General Assembly**

House Public Safety

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_136_0758-3)
<b>Mens rea/mental states</b>	
<p>Specifies the following mental states for each listed prohibition:</p> <ul style="list-style-type: none"><li>Prohibits a dog owner, keeper, or harbinger ("dog owner") from <i>negligently</i> failing to register their dog with the county auditor (R.C. 955.02(H));</li><li>Prohibits a dog owner from <i>negligently</i> failing to present a valid dangerous dog registration upon request of any law enforcement officer, dog warden, or public health official (R.C. 955.02(I));</li><li>Prohibits a dangerous or vicious dog owner from <i>negligently</i> failing to obtain a dangerous dog registration, affix the dangerous dog tag to the dog, or ensure that the dog wears the collar and tag at all times (R.C. 955.02(J));</li><li>Prohibits a dog kennel owner from <i>recklessly</i> failing to register the kennel (R.C. 955.04(B));</li></ul>	<p>Retains those prohibitions, but specifies that the mental state for each prohibition is strict liability (R.C. 955.02(H), (I), and (J); 955.04(B), 955.09(A), 955.11(D), 955.21(A), 955.24(A), and 955.24(B)).</p>

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<ul style="list-style-type: none"> <li>Prohibits a dog owner from <i>recklessly</i> failing to require their dog to wear a valid tag (R.C. 955.09(A));</li> <li>Prohibits a seller or other transferor of a dog, including a dangerous or vicious dog, from <i>recklessly</i> failing to comply with requirements governing the sale or transfer of the dog (R.C. 955.11(D));</li> <li>Prohibits a dog owner from <i>recklessly</i> failing to keep their dog from running at large (keeping their dog under reasonable control) (R.C. 955.21(A));</li> <li>Prohibits a dangerous or vicious dog owner from <i>recklessly</i> failing to keep their dog securely confined (R.C. 955.24(A)); and</li> <li>Prohibits a dangerous or vicious dog owner from <i>recklessly</i> failing to obtain liability insurance, provide proof of that insurance, notify the local dog warden if the dog gets loose or attacks a person or animal under certain circumstances, or notify the county auditor or dog warden if the dog is sold, transferred, or died (R.C. 955.24(B)).</li> </ul>	
<b>Avery's Law</b>	
No provision.	Names the act "Avery's Law" (Section 5).
<b>Nuisance dog running at large</b>	
Specifies that the penalty for a nuisance dog owner who fails to keep the nuisance dog from being under reasonable control (running at large) is a minor misdemeanor for a first offense and a fourth degree misdemeanor for subsequent offenses (R.C. 955.21(C)).	Increases the penalties for a nuisance dog owner who fails to keep the nuisance dog from running at large to a fourth degree misdemeanor on a first offense and a third degree misdemeanor on subsequent offenses (R.C. 955.21(C)).

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<b>Dangerous and vicious dog owner requirements</b>	
Retains current law that requires a dangerous or vicious dog owner to obtain at least \$100,000 of liability insurance if a court so orders ( <i>R.C. 955.21(D)(3) and 955.24 (B)(1) and (F)(1)(c)</i> ).	Instead, mandates that a dangerous or vicious dog owner obtain at least \$100,000 in liability insurance, regardless of a court order, and specifies that the failure to obtain liability insurances is a fourth degree misdemeanor ( <i>R.C. 955.24(B)(1) and (G)(1)</i> ).
No provision.	Requires a dangerous or vicious dog owner to securely confine their dog within their dwelling or any building on their property when an invitee is present so that there is no reasonable probability that the dog comes into contact with the invitee ( <i>R.C. 955.24(A)(2)</i> ).
Requires a dangerous or vicious dog owner to register the dog with the county dog warden to obtain a dangerous dog tag instead of the county auditor as in current law ( <i>R.C. 955.02(D)</i> ).	Instead, restores current law by requiring a dangerous or vicious dog owner to register the dog with the county auditor to obtain a dangerous dog tag ( <i>R.C. 955.02(D)</i> ).
Retains current law's requirement that a dangerous or vicious dog owner pay a \$50 dangerous dog registration fee ( <i>R.C. 955.02(D)(1)(a)</i> ).	Increases the fee from \$50 to \$100 ( <i>R.C. 955.02(D)(1)(a)</i> ).
No provision.	Requires a dangerous or vicious dog owner to disclose the dog's dangerous or vicious dog status to a trainer or veterinarian who will be providing services related to the dog and specifies that the failure to do so is a minor misdemeanor ( <i>R.C. 955.24(B)(5) and (G)(2)</i> ).
<b>Dog warden provisions</b>	
Clarifies that dog wardens have the authority to make arrests and enforce all of Ohio's Dog Law rather than only specified provisions of that law as in current law ( <i>R.C. 955.12</i> ).	Removes those clarifying provisions and restores them to current law ( <i>R.C. 955.12</i> ).
Specifies that if a dog that is the subject of a dog designation hearing is also the subject of a criminal proceeding arising out of the same event, the court shall conduct the hearing and	Similar, but specifies that if a dog that is the subject of a petition for a dog designation hearing is also subject to a criminal proceeding arising out of the same event, the dog warden must file the

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criminal proceeding concurrently ( <i>R.C. 955.23(G)</i> ).	petition for the dog designation hearing in the same court in which the criminal proceeding is pending. ( <i>R.C. 955.23(A) and (G)</i> ).
<b>County auditor notification requirement</b>	
No provision.	Whenever a county auditor registers a dangerous or vicious dog or receives a notification regarding an address change from a dangerous or vicious dog owner, requires the county auditor to notify in writing the applicable county dog warden of the registration or address change ( <i>R.C. 955.024</i> ).
<b>Nuisance, dangerous, and vicious dog act elements</b>	
<p>No provision.</p> <p>Defines “nuisance dog act” to mean one of the following actions committed by a dog without provocation and while off the premises of its owner, keeper, or harbinger, other than by a police dog that is being used to assist one or more law enforcement officers in the performance of their official duties:</p> <ol style="list-style-type: none"> <li>1. Chasing or approaching a person in either a menacing fashion or an apparent attitude of attack;</li> <li>2. Attempting to bite or otherwise endanger any person;</li> <li>3. Causing injury without making physical contact;</li> <li>4. Chasing, threatening, harassing, or injuring another dog or livestock; or</li> <li>5. Having been the subject of a third or subsequent violation of a dog running at large (<i>R.C. 955.22(A)(3)</i>).</li> </ol>	<p>Defines injury for purposes of nuisance and dangerous dog acts to mean any physical harm to a person, another dog, or livestock, but does not include physical harm resulting from a situation where the dog behaves in a playful, nonaggressive, or age-appropriate manner (<i>R.C. 955.22(A)(4)</i>).</p> <p>Same, but clarifies that to qualify as a nuisance dog act as described in #2, 3, or 4, the dog must be acting in a menacing fashion or with an apparent attitude of attack (<i>R.C. 955.22(A)(3)</i>).</p>

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<p>Defines “dangerous dog act” to mean one of the following actions committed by a dog without provocation, other than by a police dog that is being used to assist one or more law enforcement officers in the performance of their official duties:</p> <ol style="list-style-type: none"> <li>1. Causing injury by physical contact, other than killing or serious injury, to any person;</li> <li>2. The killing of another dog or livestock; or</li> <li>3. Causing serious injury to another dog or livestock that results in euthanasia of the animal by a person authorized to perform euthanasia under Ohio law (<i>R.C. 955.22(A)(2)</i>).</li> </ol> <p>Specifies that “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 (<i>R.C. 955.22(A)(6)</i>).</p>	<p>Same, but clarifies that to qualify as a dangerous dog act as described in #1, the dog must be acting in a menacing fashion or with an apparent attitude of attack (<i>R.C. 955.22(A)(3)</i>).</p> <p>Same, but adds that “without provocation” also means that a dog was not attacked by another dog or livestock (<i>R.C. 955.22(A)(6)</i>).</p>
Dog attack notification	
<p>No provision.</p>	<p>Adds dog attack notification provisions (essentially codifies O.A.C. 3701-3-28) that does all of the following:</p> <ul style="list-style-type: none"> <li>▪ Requires a health care provider or licensed veterinarian who has knowledge of a person being bitten or injured as a result of an attack by a dog or other nonhuman mammal to report the bite or injury (within 24 hours after obtaining the knowledge) to the health commissioner or the health district in which the bite occurred;</li> <li>▪ Allows a person who is bitten or injured as a result of an attack by a dog or other nonhuman mammal to report the bite or</li> </ul>

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	<p>injury to the health commissioner of the health district in which the bite occurred; and</p> <ul style="list-style-type: none"> <li>Requires a city or general health district board of health to annually submit a report regarding nonhuman mammalian bites and injuries to the Department of Health by March 1 each year (<i>R.C. 955.61</i>).</li> </ul>
Humane destruction of a dog ordered by a court	
<p>Retains current law's provisions that specify that whenever a court orders the humane destruction of a dog, it must order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense (<i>R.C. 955.21(D) and (E), 955.22(E) and (F), 955.23(F), and 955.24(F) and (H)</i>).</p>	<p>Same, but removes the ability for a court, when ordering the humane destruction of a dog, to require a county humane society to perform the humane destruction (<i>R.C. 955.21(D) and (E), 955.22(E) and (F), 955.23(F), and 955.24(F) and (H)</i>).</p>