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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 247 of the 136th General Assembly

Senate Judiciary

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Additional information provided to the transferee of dangerous or vicious dog

Requires the seller or other transferor of a dog who has knowledge that the dog is a dangerous or vicious dog to disclose whether the dog has previously been designated a nuisance, dangerous, or vicious dog to all of the following within 10 days after the transfer of the dog:

1. The buyer or other transferee;
2. The board of health of the county in which the buyer or transferee resides; and
3. The dog warden of the county in which the buyer or transferee resides.

Injury and serious injury

Specifies that “serious injury” resulting in a dangerous or vicious dog act does not include physical harm resulting from a situation where the dog behaves in a playful, nonaggressive, or age-appropriate manner.

Applies the definitions of injury and serious injury to the bill’s provisions governing the types of behavior-related questions that a seller or other transferor must answer prior to transferring a dangerous or vicious dog (these terms currently only apply when determining whether a dog has committed a nuisance, dangerous, or vicious dog act).

Animal shelter applicability

Modifies the bill’s provisions that exempt animal shelters from (1) disclosure requirements governing the transfer of a dangerous or vicious dog and (2) safety requirements pertaining to keeping dangerous and vicious dogs (such as fencing and liability insurance requirements) by doing all of the following:

1. Instead of applying the exemptions to any nonprofit animal shelter, applies the exemptions only to an animal shelter for dogs (which is defined as a facility that keeps, houses, and maintains dogs such as a dog pound operated by a municipal corporation or

by a county, or that is operated by a humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization that is devoted to the welfare, protection, and humane treatment of dogs and other animals);

2. Removing the requirement that the animal shelter for dogs check any microchip implanted in the dog to ascertain the dog's designation status in order for the exemptions to apply;
3. Specifying that for the exemptions to apply, the animal shelter for dogs must ask various behavior-related questions about the dog, but not if the dog was impounded due to animal abuse;
4. Adding to the behavior-related questions that the animal shelter for dogs must ask by requiring the shelter to ask whether the dog has previously been designated a nuisance, dangerous, or vicious dog; and
5. Applying the definitions of injury and serious injury to the exemptions.

Increases the mental state from negligently to recklessly when an undesignated dog kept or harbored by an animal shelter for dogs commits a nuisance, dangerous, or vicious dog act.

Euthanasia of a dog that engages in a nuisance, dangerous, or vicious dog act

Makes the following changes to the bill's provisions regarding the humane destruction of a dog after the dog engages in a nuisance, dangerous, or vicious dog act:

1. Instead of requiring a court to humanely destroy a dog that kills or seriously injures a person, limits the requirement to a dog that kills a person or seriously injures a person and the serious injury results in substantial risk of death; permanent incapacity; serious permanent disfigurement; or acute pain of a duration that results in substantial suffering; and
2. Limits the court's discretionary authority (provided under the bill) to humanely destroy a nuisance dog unless the court finds that the dog injured another dog or attempted to bite a person and the attempt resulted in the injury of the person.

Nuisance, dangerous, and vicious dog acts

Makes the following changes to the bill's provisions regarding what constitutes a nuisance, dangerous, or vicious dog act by:

1. Eliminating the circumstances in which a dog may be considered a dangerous or vicious dog if the dog killed or caused serious injury to livestock; and
2. Excluding poultry from the circumstances in which a dog may be considered a nuisance dog if the dog chased, threatened, harassed, or injured livestock.

Penalty changes for dog related offenses

Makes the following changes to the penalties imposed under the bill:

1. Reduces the penalty for failing to obtain liability insurance for a dangerous or vicious dog from a 4th degree misdemeanor to a minor misdemeanor on a first offense (the amendment retains the 4th degree misdemeanor for all subsequent offenses); and
2. Reduces the penalty for negligently failing to prevent a dangerous or vicious dog from injuring a person (but not seriously injuring a person) from a 5th degree felony to a 1st degree misdemeanor.