



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Dennis M. Papp

Sub. H.B. 349

132nd General Assembly
(As Passed by the House)

Reps. LaTourette, Manning, Anielski, Celebrezze, Gavarone, Hoops, Hughes, Lang, Leland, Lepore-Hagan, Lipps, Miller, O'Brien, Patton, Pelanda, Rogers, Schaffer, K. Smith

BILL SUMMARY

- Includes search and rescue dogs and horses, when they are assisting a law enforcement officer, certified volunteer handler, or first responder, within the existing prohibitions against assaulting or harassing a police dog or horse.
 - Applies the same penalties to assaulting or harassing a search and rescue dog or horse as currently apply to assaulting or harassing a police dog or horse.
 - Expands the existing prohibitions against assaulting or harassing a police dog or horse when they are assisting a law enforcement officer to also cover conduct involving police dogs and horses when they are assisting a certified volunteer handler or first responder.
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CONTENT AND OPERATION

Assaulting or harassing a search and rescue animal

The bill expands the existing prohibitions against assaulting a police dog or horse and harassing a police dog or horse to also protect search and rescue dogs and horses. A "search and rescue dog or horse" is defined in the bill as a dog or horse that is trained or certified to locate missing persons. The bill also references first responders and certified volunteer handlers being assisted by search and rescue animals. For purposes of the bill, "first responder" means any person certified under Ohio law to practice as a first responder or certified to provide services as a firefighter. "Certified volunteer handler" means a member of a volunteer search and rescue unit who is certified by a nationally recognized search and rescue training organization, program,

or course to train or employ search and rescue dogs or horses to locate missing persons.¹

Assaulting a search and rescue animal

The bill prohibits a person from knowingly causing, or attempting to cause, physical harm to a search and rescue dog or horse in either of the following circumstances:²

(1) The dog or horse is assisting a law enforcement officer, certified volunteer handler, or first responder in the performance of official duties or emergency services at the time the physical harm is caused or attempted; or

(2) The dog or horse is not assisting a law enforcement officer, certified volunteer handler, or first responder in the performance of official duties or emergency services at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a search and rescue dog or horse.

As with the existing prohibition protecting police dogs and horses, this prohibition applies only to an offender who knows or should know at the time of the violation that the search and rescue dog or horse that is the subject of the violation is a search and rescue dog or horse.³ Whoever violates this prohibition is guilty of "assaulting a search and rescue dog or horse or police dog or horse."⁴ The penalties are described below under "**Penalty for assaulting a search and rescue animal.**"

The bill's provisions also appear to expand the existing provisions that protect police dogs and horses when they are assisting a law enforcement officer to also prohibit a person from knowingly causing, or attempting to cause, physical harm to a police dog or horse in either of the following circumstances: (1) the dog or horse is assisting a certified volunteer handler or first responder in the performance of official duties or emergency services at the time the physical harm is caused or attempted, or (2) the dog or horse is not assisting a certified volunteer handler or first responder in the performance of official duties or emergency services at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse. The bill renames a violation of this expanded prohibition the offense of "assaulting a search and rescue dog or horse or police dog or horse" and retains the existing penalties for the offense (with the penalties being modified to also

¹ R.C. 2921.321(H)(5), (6), and (7), referencing R.C. 4765.01, not in the bill.

² R.C. 2921.321(A).

³ R.C. 2921.321(G).

⁴ R.C. 2921.321(E)(1).



refer to the offense committed when the police dog or horse was assisting a certified volunteer handler or first responder).⁵

Harassing a search and rescue animal

The bill also prohibits a person from recklessly doing any of the following:⁶

- Taunting, tormenting, or striking a search and rescue dog or horse;
- Throwing an object or substance at a search and rescue dog or horse;
- Engaging in any conduct that is likely to cause serious physical injury or death to a search and rescue dog or horse;
- If the person is the owner, keeper, or harbinger of a dog, failing to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a search and rescue dog or horse that at the time of the conduct is assisting a law enforcement officer, certified volunteer handler, or first responder in the performance of official duties or emergency services or that the person knows is a search and rescue dog or horse;
- Interfering with or obstructing a search and rescue dog or horse, or interfering with or obstructing a law enforcement officer, certified volunteer handler, or first responder who is being assisted by a search and rescue dog or horse, in a manner that does any of the following:
 - Inhibits or restricts the law enforcement officer's, certified volunteer handler's, or first responder's control of the search and rescue dog or horse;
 - Deprives the law enforcement officer, certified volunteer handler, or first responder of control of the search and rescue dog or horse;
 - Releases the search and rescue dog or horse from its area of control;
 - Enters the area of control of the search and rescue dog or horse without the consent of the law enforcement officer, certified volunteer handler, or first responder, including placing food or any other object or substance into that area;

⁵ R.C. 2921.321(A) and (E).

⁶ R.C. 2921.321(B).



- Inhibits or restricts the ability of the search and rescue dog or horse to assist a law enforcement officer, certified volunteer handler, or first responder.

As with the existing prohibition protecting police dogs and horses, this prohibition applies only to an offender who knows or should know at the time of the violation that the search and rescue dog or horse that is the subject of the violation is a search and rescue dog or horse.⁷ Whoever violates this prohibition is guilty of "harassing a search and rescue dog or horse or police dog or horse." The penalties are described below under "**Penalty for harassing a search and rescue animal.**" As under current law, neither this prohibition nor the prohibition against assaulting a search and rescue dog or horse applies to a licensed veterinarian whose conduct is in accordance with Ohio law governing the licensing of veterinarians.⁸

The bill's provisions also appear to expand the existing provisions that protect police dogs and horses when they are assisting a law enforcement officer to also prohibit a person from recklessly: (1) interfering with or obstructing a police dog or horse, or interfering with or obstructing a certified volunteer handler or first responder who is being assisted by a police dog or horse, in a manner that does any of the following: inhibits or restricts the certified volunteer handler's or first responder's control of the dog or horse; deprives the certified volunteer handler or first responder of control of the dog or horse; releases the dog or horse from its area of control; enters the area of control of the dog or horse without the consent of the certified volunteer handler or first responder, including placing food or any other object or substance into that area; or inhibits or restricts the ability of the dog or horse to assist a certified volunteer handler or first responder, or (2) if the person is the owner, keeper, or harbinger of a dog, failing to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a certified volunteer handler or first responder in the performance of the emergency services or that the person knows is a police dog or horse. The bill renames a violation of this expanded prohibition the offense of "harassing a search and rescue dog or horse or police dog or horse" and retains the existing penalties for the offense (with the penalties being modified to also refer to the offense committed when the police dog or horse was assisting a certified volunteer handler or first responder).⁹

⁷ R.C. 2921.321(G).

⁸ R.C. 2921.321(F).

⁹ R.C. 2921.321(B) and (E)(2).



Penalty for assaulting a search and rescue animal

The bill sets the penalties for assaulting a search and rescue dog or horse at the same level as the current penalties for assaulting a police dog or horse. Generally, assaulting a search and rescue dog or horse is a second degree misdemeanor. However, if the offense results in the animal's death, the offense is a third degree felony. If the offense results in serious physical harm to the animal, but does not result in its death, the offense is a fourth degree felony. The bill does not provide a penalty if the offense involves a search and rescue dog or horse and results in physical harm to the animal, but does not result in its death or serious physical harm – when the offense under existing law involves a police dog or horse in those circumstances, the offense is a first degree misdemeanor.¹⁰

If the offense results in the animal's death, the bill requires the court to impose as a mandatory prison term one of the prison terms prescribed for a third degree felony. The court must also impose a mandatory fine within the range prescribed for a third degree felony, which is not more than \$10,000. The mandatory fine is paid to the law enforcement agency, volunteer unit, or first responder that was served by the dog or horse that was killed. The fine is considered a judgment in favor of the agency, volunteer unit, or first responder, making the offender a judgment debtor subject to standard civil judgment collection methods. The money from the fine is to be used for one or more of the following purposes:¹¹

- If the dog or horse was not owned by the law enforcement agency, volunteer unit, or first responder, as payment to its owner for the cost of the dog or horse and the cost of the training to qualify the animal as a search and rescue or police dog or horse, if that cost has not been previously paid; or
- After payment of the costs above, if applicable, payment of one or more of the following: the cost of replacing the dog or horse that was killed, the cost of training the replacement dog or horse to qualify it as a search and rescue or police dog or horse, or the cost of additional training of the replacement dog or horse to train it to the level of training achieved by the dog or horse that was killed.

¹⁰ R.C. 2921.321(E)(1)(a).

¹¹ R.C. 2921.321(E)(1)(a) and (b) and 2929.18(B)(10) and (D).



Penalty for harassing a search and rescue animal

The bill sets the penalties for harassing a search and rescue dog or horse at the same level as the current penalties for harassing a police dog or horse. Generally, harassing a search and rescue dog or horse is a second degree misdemeanor. If the offense results in the animal's death, the offense is a third degree felony. If the offense results in serious physical harm to the animal, but does not result in its death, the offense is a fourth degree felony. If the offense results in physical harm to the animal, but does not result in its death or serious physical harm, the offense is a first degree misdemeanor.¹²

Additional financial sanctions

Under the bill, whoever assaults or harasses a search and rescue dog or horse is responsible for paying all of the following (these additional financial sanctions currently apply regarding the assault or harassment of a police dog or horse):¹³

- Any veterinary bill or bill for medication incurred as a result of the violation;
- The cost of any damaged equipment that results from the violation;
- The cost of further training or retraining the search and rescue dog or horse to continue serving as a search and rescue animal, if such training is necessary as a result of the violation;
- The cost of replacing the search and rescue dog or horse, whether temporarily or permanently, and of any further training of a new search and rescue dog or horse, if replacement or training is required as a result of serious physical harm to the search and rescue animal or its death as a result of the violation.

HISTORY

ACTION	DATE
Introduced	09-19-17
Reported, H. Criminal Justice	05-23-18
Passed House (78-15)	06-27-18

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¹² R.C. 2921.321(E)(2).

¹³ R.C. 2921.321(E)(5).

