As Introduced

133rd General Assembly
Regular Session

Representatives Antani, Holmes, G.
Cosponsor: Representative Green

H. B. No. 37
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A B I L L

To amend sections 109.73, 715.23, 901.80, 955.01, 955.02, 955.04, 955.10, 955.11, 955.12, 955.16, 955.21, 955.22, 955.221, 955.222, 955.23, 955.24, 955.25, 955.261, 955.39, 955.43, 955.44, 955.50, and 955.54; to enact sections 955.13, 955.223, 955.224, 955.225, and 955.60; and to repeal section 955.99 of the Revised Code to revise the laws governing nuisance, dangerous, and vicious dogs.

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

Section 1. That sections 109.73, 715.23, 901.80, 955.01, 955.02, 955.04, 955.10, 955.11, 955.12, 955.16, 955.21, 955.22, 955.221, 955.222, 955.23, 955.24, 955.25, 955.261, 955.39, 955.43, 955.44, 955.50, and 955.54 be amended and sections 955.13, 955.223, 955.224, 955.225, and 955.60 of the Revised Code be enacted to read as follows:

Sec. 109.73. (A) The Ohio peace officer training commission shall recommend rules to the attorney general with respect to all of the following:
(1) The approval, or revocation of approval, of peace officer training schools administered by the state, counties, municipal corporations, public school districts, technical college districts, and the department of natural resources;

(2) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved state, county, municipal, and department of natural resources peace officer training schools;

(3) Minimum qualifications for instructors at approved state, county, municipal, and department of natural resources peace officer training schools;

(4) The requirements of minimum basic training that peace officers appointed to probationary terms shall complete before being eligible for permanent appointment, which requirements shall include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code; crisis intervention training; and training in the handling of missing children and child abuse and neglect cases; and training in handling violations of section 2905.32 of the Revised Code; and the time within which such basic training shall be completed following appointment to a probationary term;

(5) The requirements of minimum basic training that peace officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment, which requirements shall include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and
consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, crisis intervention training, and training in the handling of missing children and child abuse and neglect cases, and training in handling violations of section 2905.32 of the Revised Code, and the time within which such basic training shall be completed following appointment on other than a permanent basis;

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

(7) Permitting persons, who are employed as members of a campus police department appointed under section 1713.50 of the Revised Code; who are employed as police officers by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code; who are appointed and commissioned as bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions police officers, as railroad police officers, or as hospital police officers pursuant to sections 4973.17 to 4973.22 of the Revised Code; or who are appointed and commissioned as amusement park police officers pursuant to section 4973.17 of the Revised Code, to attend approved peace officer training schools, including the Ohio peace officer training academy, and to receive certificates of
satisfactory completion of basic training programs, if the
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 or who provide correction services in such a jail or facility;

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

(13) Permitting tactical medical professionals to attend approved peace officer training schools, including the Ohio peace officer training academy, to receive training of the type described in division (A)(14) of this section and to receive certificates of satisfactory completion of training programs described in that division;

(14) The requirements for training programs that tactical medical professionals shall complete to qualify them to carry firearms while on duty under section 109.771 of the Revised Code, which requirements shall include at least the firearms training specified in division (A) of section 109.748 of the Revised Code.

(15) Establishing requirements for the training of dog wardens and deputies for the purposes of division (E) of section 955.12 of the Revised Code that include forty-two hours of initial training and ten hours of continuing education within a time period established by the commission.

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

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

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

(2) Visit and inspect any peace officer training school
that has been approved by the executive director or for which
application for approval has been made;

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

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

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

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

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

Sec. 715.23. Except as otherwise provided in section 955.02 of the Revised Code regarding dogs, a municipal corporation may regulate, restrain, or prohibit the running at large, within the municipal corporation, of cattle, horses, swine, sheep, goats, geese, chickens, or other fowl or animals, impound and hold the fowl or animals, and, on notice to the owners, authorize the sale of the fowl or animals for the penalty imposed by any ordinance, and the cost and expenses of the proceedings.

Sec. 901.80. (A) As used in this section:

(1) "Agricultural production" has the same meaning as in section 929.01 of the Revised Code.

(2) "Agritourism" means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.
(3) "Agritourism provider" means a person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

(4) "Farm" means land that is composed of tracts, lots, or parcels totaling not less than ten acres devoted to agricultural production or totaling less than ten acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars from agricultural production.

(5) "Participant" means an individual, other than an agritourism provider, who observes or participates in an agritourism activity.

(6) "Risk inherent in an agritourism activity" means a danger or condition that is an integral part of an agritourism activity, including all of the following:

(a) The surface and subsurface conditions of land;

(b) The behavior or actions of wild animals not kept by or under the control of an agritourism provider;

(c) The behavior or actions of domestic animals other than vicious or dangerous dogs as defined in section 955.21 of the Revised Code;

(d) The ordinary dangers associated with structures or equipment ordinarily used in farming or ranching operations;

(e) The possibility of contracting illness resulting from physical contact with animals, animal feed, animal waste, or surfaces contaminated by animal waste;

(f) The possibility that a participant may act in a
negligent manner, including by failing to follow instructions given by the agritourism provider or by failing to exercise reasonable caution while engaging in the agritourism activity that may contribute to injury to that participant or another participant.

(B) In a civil action, an agritourism provider is immune from liability for any harm a participant sustains during an agritourism activity if the participant is harmed as a result of a risk inherent in an agritourism activity. Nothing in this section requires an agritourism provider to eliminate risks inherent in agritourism activities.

(C) An agritourism provider is not immune from civil liability for harm sustained by a participant if any of the following applies:

(1) The agritourism provider acts with a willful or wanton disregard for the safety of the participant and proximately causes harm to the participant.

(2) The agritourism provider purposefully causes harm to the participant.

(3) The agritourism provider's actions or inactions constitute criminal conduct and cause harm to the participant.

(4) The agritourism provider fails to post and maintain signs as required by division (D) of this section.

(5) The agritourism provider has actual knowledge or should have actual knowledge of an existing dangerous condition on the land or regarding facilities or equipment on the land that is not an inherent risk and does not make the dangerous condition known to the participant, and the dangerous condition proximately causes injury or damage to or the death of the
participant.

(D) An agritourism provider shall post and maintain signs that contain the warning notice specified in this division. The provider shall place a sign in a clearly visible location at or near each entrance to the agritourism location or at the site of each agritourism activity. The warning notice shall consist of a sign in black letters with each letter to be a minimum of one inch in height. The signs shall contain the following notice of warning: "WARNING: Under Ohio law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if that injury or death results from the inherent risks of that agritourism activity. Inherent risks of agritourism activities include, but are not limited to, the risk of injury inherent to land, equipment, and animals as well as the potential for you as a participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity."

Sec. 955.01. (A)(1) Except as otherwise provided in this section or in sections 955.011, 955.012, and 955.16 of the Revised Code, every person who owns, keeps, or harbors a dog more than three months of age shall file, on or after the first day of the applicable December, but before the thirty-first day of the applicable January, in the office of the county auditor of the county in which the dog is kept or harbored, an application for registration for a period of one year or three years or an application for a permanent registration. The board of county commissioners, by resolution, may extend the period for filing the application. The application applicant shall state the age, sex, color, character of hair, whether short or long, and breed, if known, of the dog and the name and address
of the owner of the dog on the application. Along with the application, the applicant shall submit a registration fee of two dollars for each year of registration for a one-year or three-year registration or twenty dollars for a permanent registration for each dog shall accompany the application. However, the fee may exceed that amount if a greater fee has been established under division (A)(2) of this section or under section 955.14 of the Revised Code.

(2) A board of county commissioners may establish a registration fee higher than the one provided for in division (A)(1) of this section for dogs more than nine months of age that have not been spayed or neutered, except that the higher registration fee permitted by this division shall not apply if the person registering the dog furnishes any of the following with the application either a:

(a) A certificate from a licensed veterinarian verifying that the dog should not be spayed or neutered because of its age or medical condition;

(b) A certificate from a licensed veterinarian verifying that the dog should not be spayed or neutered because the dog is used or intended for use for show or breeding purposes;

(c) A certificate from the owner of the dog declaring that the owner holds a valid hunting license issued by the division of wildlife of the department of natural resources and that the dog is used or intended for use for hunting purposes.

(3) If the board establishes such a fee under division (A) (2) of this section, the application for registration shall state whether the dog is spayed or neutered, and whether a licensed veterinarian has certified that the dog should not be
spayed or neutered or the owner has stated that the dog is used or intended to be used for hunting purposes. The board may require a person who is registering a spayed or neutered dog to furnish with the application a certificate from a licensed veterinarian verifying that the dog is spayed or neutered.

(4) No person shall furnish a certificate under this division that the person knows to be false.

(B) If the application for registration is not filed and the registration fee paid, on or before the thirty-first day of the applicable January of each year or, if the board of county commissioners by resolution has extended the date to a date later than the thirty-first day of January, the date established by the board, the auditor shall assess a penalty in an amount equal to the registration fee for one year upon the owner, keeper, or harborer, which shall be paid with the registration fee.

(C) An animal shelter that keeps or harbors a dog more than three months of age is exempt from paying any fees imposed under division (A) or (B) of this section if it is a nonprofit organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1.

(D) Whoever violates division (A)(4) of this section is guilty of a misdemeanor of the first degree.

Sec. 955.02. As used in this chapter, "dog kennel" or "kennel" means an establishment that keeps, houses, and maintains adult dogs, as defined in section 956.01 of the Revised Code, for the purpose of breeding the dogs for a fee or other consideration received through a sale, exchange, or lease.
(A) For the purposes of this section, ordinances or resolutions to control dogs include, but are not limited to, ordinances or resolutions concerned with the ownership, keeping, or harboring of dogs, the restraint of dogs, dogs as public nuisances, and dogs as a threat to public health, safety, and welfare. However, such ordinances or resolutions as permitted in division (B) of this section shall not prohibit the use of any dog which is lawfully engaged in hunting or training for the purpose of hunting while accompanied by a licensed hunter. A dog at all other times and in all other respects is subject to the ordinances or resolutions permitted by this section, unless actually in the field and engaged in hunting or in legitimate training for such purpose.

(B)(1) A board of county commissioners may adopt and enforce resolutions to control dogs within the unincorporated areas of the county that are not otherwise in conflict with any other provision of the Revised Code.

(2) A board of township trustees may adopt and enforce resolutions to control dogs within the township that are not otherwise in conflict with any other provision of the Revised Code, if the township is located in a county where the board of county commissioners has not adopted resolutions to control dogs within the unincorporated areas of the county under this section. In the event that the board of county commissioners adopts resolutions to control dogs in the county after a board of township trustees has adopted resolutions to control dogs within the township, the resolutions adopted by the county board of commissioners prevail over the resolutions adopted by the
board of township trustees.

(3) A municipal corporation may adopt and enforce ordinances to control dogs within the municipal corporation that are not otherwise in conflict with any other provision of the Revised Code.

(C) No person shall violate any resolution or ordinance adopted under this section.

(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. The mayor or clerk of the municipal or county court shall distribute fines levied and collected for violations of that division 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.

Sec. 955.04. (A) As used in this chapter, "dog kennel" or "kennel" means an establishment that keeps, houses, and maintains adult dogs, as defined in section 956.01 of the Revised Code, for the purpose of breeding the dogs for a fee or other consideration received through a sale, exchange, or lease and that is not a high volume breeder licensed under Chapter 956. of the Revised Code.

(B) Every owner of a dog kennel of dogs shall, in like manner as provided in section 955.01 of the Revised Code, make application for the registration of such kennel, and pay to the county auditor a registration fee of ten dollars for each such kennel, unless a greater fee has been established under section 955.14 of the Revised Code. If such the application is not filed
and the fee paid, on or before the thirty-first day of January of each year, the auditor shall assess a penalty in an amount equal to the registration fee upon the owner of such kennel. The payment of such the kennel registration fee shall entitle the licensee to not more than five tags, to bear consecutive numbers and to be issued in like manner and have like effect when worn by any dog owned in good faith by such licensee as the tags provided for in section 955.08 of the Revised Code. Upon application to the county auditor, additional tags, in excess of the five tags, may be issued upon payment of an additional fee of one dollar per tag.

Sec. 955.10. (A) No owner of a dog, except a dog constantly confined to a dog kennel registered under this chapter or one licensed under Chapter 956. of the Revised Code, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog found not wearing at any time a valid tag shall be is prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction.

(B) Whoever violates division (A) of this section is guilty of a minor misdemeanor.

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

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

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

(ii) Killed another dog;
(iii) Been the subject of a third or subsequent violation of division (C) of section 955.22 of the Revised Code.

(b) "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

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

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

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

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

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

(a) Any physical harm that carries a substantial risk of death;
(b) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;

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

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

(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.

(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.

(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:

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

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

In addition, the seller shall answer the following questions, which shall be specifically stated on the form as follows:
"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

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

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

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

(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.

(A) No owner, keeper, or harborer of a dog more than three months of age or an owner of a dog kennel shall fail to file the registration application required by section 955.01 of the Revised Code. No such owner, keeper, harborer, or dog kennel owner shall fail to pay the associated legal fee.

(B) Whoever violates division (A) of this section shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense, not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

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, 955.50 to 955.52, 955.54, and 955.60 of the Revised Code.
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.

(B) The warden and deputies shall make a record of all dogs owned, kept, and harbored in their respective counties. They shall patrol their respective counties and seize and impound on sight all dogs found running at large and all dogs more than three months of age found not wearing a valid registration tag, except any dog that wears a valid registration tag and is: on the premises of its owner, keeper, or harborer, under the reasonable control of its owner or some other person, hunting with its owner or its handler at a field trial, kept constantly confined in a dog kennel registered under this chapter or one licensed under Chapter 956. of the Revised Code, or acquired by, and confined on the premises of, an institution or organization of the type described in section 955.16 of the Revised Code. A dog that wears a valid registration tag may be seized on the premises of its owner, keeper, or harborer and impounded only in the event of a natural disaster.

(C) If a dog warden has reason to believe that a dog is being treated inhumanely on the premises of its owner, keeper, or harborer, the warden shall apply to the court of common pleas for the county in which the premises are located for an order to enter the premises, and if necessary, seize the dog. If the court finds probable cause to believe that the dog is being treated inhumanely, it shall issue such an order.
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(D) The warden and deputies shall also make weekly reports, in writing, to the board in their respective counties of all dogs seized, impounded, redeemed, and destroyed.

(E) The wardens and deputies shall have the same police powers, including the authority to make arrests, as are conferred upon sheriffs and police officers in the performance of their duties as prescribed by sections 955.01 to 955.27 and 955.50 to 955.53, 955.54, and 955.60 of the Revised Code. They shall also have power to summon the assistance of bystanders in performing their duties and may serve writs and other legal processes issued by any court in their respective counties with reference to enforcing those sections. County auditors may deputize the wardens or deputies to issue dog licenses as provided in sections 955.01 and 955.14 of the Revised Code.

(F) Whenever any person files an affidavit in a court of competent jurisdiction that there is a dog running at large that is not kept constantly confined either in a dog kennel registered under this chapter or one licensed under Chapter 956 of the Revised Code or on the premises of an institution or organization of the type described in section 955.16 of the Revised Code or that a dog is kept or harbored in the warden's jurisdiction without being registered as required by law, the court shall immediately order the warden to seize and impound the dog. Thereupon the warden shall immediately seize and impound the dog complained of. The warden shall give immediate notice by certified mail to the owner, keeper, or harbore of the dog seized and impounded by the warden, if the owner, keeper, or harbore can be determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, that the dog has been impounded and that, unless the dog is redeemed within
fourteen days of the date of the notice, it may thereafter be
sold or destroyed according to law. If the owner, keeper, or
harborer cannot be determined from the current year's
registration list maintained by the warden and the county
auditor of the county where the dog is registered, the officer
shall post a notice in the pound or animal shelter both
describing the dog and place where seized and advising the
unknown owner that, unless the dog is redeemed within three
days, it may thereafter be sold or destroyed according to law.

Sec. 955.13. (A) Upon the transfer of ownership of any
dog, the seller of the dog shall give the buyer a transfer of
ownership certificate signed by the seller. The seller shall
include on the certificate the registration number of the dog,
the name of the seller, and a brief description of the dog. The
county auditor shall provide blank forms of the certificate
upon request. The county auditor shall record a transfer of ownership
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.

(B) Prior to the transfer of ownership or possession of a
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.

(C) Not later than 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 of the health 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:

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

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

In addition, the seller shall answer the following questions that shall be specifically stated on the form as follows:

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

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

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

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

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

(E) Whoever violates division (D) of this section is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

Sec. 955.16. (A) Dogs that have been seized by the county dog warden and impounded shall be kept, housed, and fed for
three days for the purpose of redemption, as provided by section 955.18 of the Revised Code, unless any of the following applies:

(1) Immediate humane destruction of the dog is necessary because of obvious disease or injury. If the diseased or injured dog is registered, as determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, the necessity of destroying the dog shall be certified by a licensed veterinarian or a registered veterinary technician. If the dog is not registered, the decision to destroy it shall be made by the warden.

(2) The dog is currently registered on the registration list maintained by the warden and the auditor of the county where the dog is registered and the attempts to notify the owner, keeper, or harborer under section 955.12 of the Revised Code have failed, in which case the dog shall be kept, housed, and fed for fourteen days for the purpose of redemption.

(3) The warden has contacted the owner, keeper, or harborer under section 955.12 of the Revised Code, and the owner, keeper, or harborer has requested that the dog remain in the pound or animal shelter until the owner, harborer, or keeper redeems the dog. The time for such redemption shall be not more than forty-eight hours following the end of the appropriate redemption period.

At any time after such periods of redemption, any dog not redeemed shall be donated to any nonprofit special agency that is engaged in the training of any type of assistance dogs and that requests that the dog be donated to it. Any dog not redeemed that is not requested by such an agency may be sold, except that no dog sold to a person other than a nonprofit
teaching or research institution or organization of the type described in division (B) of this section shall be discharged from the pound or animal shelter until the animal has been registered and furnished with a valid registration tag.

(B) Any dog that is not redeemed within the applicable period as specified in this section or section 955.12 of the Revised Code from the time notice is mailed to its owner, keeper, or harborer or is posted at the pound or animal shelter, as required by section 955.12 of the Revised Code, and that is not required to be donated to a nonprofit special agency engaged in the training of any type of assistance dogs may, upon payment to the dog warden or poundkeeper of the sum of three dollars, be sold to any nonprofit Ohio institution or organization that is certified by the director of health as being engaged in teaching or research concerning the prevention and treatment of diseases of human beings or animals. Any dog that is donated to a nonprofit special agency engaged in the training of any type of assistance dogs in accordance with division (A) of this section and any dog that is sold to any nonprofit teaching or research institution or organization shall be discharged from the pound or animal shelter without registration and may be kept by the agency or by the institution or organization without registration so long as the dog is being trained, or is being used for teaching and research purposes.

Any institution or organization certified by the director that obtains dogs for teaching and research purposes pursuant to this section shall, at all reasonable times, make the dogs available for inspection by agents of the Ohio humane society, appointed pursuant to section 1717.04 of the Revised Code, and agents of county humane societies, appointed pursuant to section 1717.06 of the Revised Code, in order that the agents may
prevent the perpetration of any act of cruelty, as defined in section 1717.01 of the Revised Code, to the dogs.

(C) Any dog that the dog warden or poundkeeper is unable to dispose of, in the manner provided by this section and section 955.18 of the Revised Code, may be humanely destroyed, except that no dog shall be destroyed until twenty-four hours after it has been offered to a nonprofit teaching or research institution or organization, as provided in this section, that has made a request for dogs to the dog warden or poundkeeper.

(D) An owner of a dog that is wearing a valid registration tag who presents the dog to the dog warden or poundkeeper may specify in writing that the dog shall not be offered to a nonprofit teaching or research institution or organization, as provided in this section.

(E) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of costs assessed against the dogs shall be kept by the poundkeeper, and the poundkeeper shall furnish a transcript thereof to the county treasurer quarterly.

A record of all dogs received and the source that supplied them shall be kept, for a period of three years from the date of acquiring the dogs, by all institutions or organizations engaged in teaching or research concerning the prevention and treatment of diseases of human beings or animals.

(F) No person shall destroy any dog by the use of a high altitude decompression chamber or by any method other than a method that immediately and painlessly renders the dog initially unconscious and subsequently dead.

(G) Whoever violates division (F) of this section is
guilty of a misdemeanor of the fourth degree.

Sec. 955.21. No owner, keeper, or harborer of a dog more than three months of age, nor owner of a dog kennel, shall fail to file the application for registration required by section 955.01 of the Revised Code, nor shall he fail to pay the legal fee therefor. As used in this chapter:

(A)(1) "Dangerous dog" means a dog to which any of the following apply:

(a) The dog has caused injury to any person.

(b) The dog has caused injury, serious injury, or death to another dog.

(c) The dog has been the subject of three or more violations of division (B) of section 955.22 of the Revised Code and the owner, keeper, or harborer of the dog has plead guilty to or been convicted of three or more of those violations.

(2) "Dangerous dog" does not include any of the following:

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

(b) A dog that has caused 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 harborer of the dog;

(c) A dog that is kept or harbored on a farm that has injured, seriously injured, or killed another dog that has either come onto the property of the farm or disrupted the duties of the farm dog.
(B) "Death" includes death of a dog by euthanasia when recommended by a veterinarian, registered veterinary technician, or county dog warden after evaluation of a dog’s injuries.

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

(D)(1) "Nuisance dog" means a dog that, while off the premises of its owner, keeper, or harborer, has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

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

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

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

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

(2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;

(3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
(4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(G)(1) "Vicious dog" means a dog that has done any of the following:

(a) Caused serious injury or death to any person;

(b) Caused injury to any person after being designated a dangerous dog in accordance with section 955.222 of the Revised Code;

(c) Caused serious injury or death to another dog after being designated a dangerous dog in accordance with section 955.222 of the Revised Code.

(2) "Vicious dog" does not include any of the following:

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

(b) A dog that has injured, seriously injured, or killed any person or dog while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harborer of the dog;

(c) A dog that is kept or harbored on a farm that has injured, seriously injured, or killed another dog that has either come onto the property of the farm or disrupted the duties of the farm dog.

Sec. 955.22. (A) As used in this section, "dangerous dog" has the same meaning as in section 955.11 of the Revised Code.
(B) No owner, keeper, or harborer of any female dog shall permit it to go beyond the premises of the owner, keeper, or harborer at any time the dog is in heat unless the dog is properly in leash.

(C) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of any dog shall fail at any time to do either of the following:

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

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

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

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

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

(a) Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;
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(b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

c) Muzzle that dog.

d) 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:

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;

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;

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

a) The dog is loose or unconfined.

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.

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

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

(F) No person shall do any of the following:

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

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

(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.

(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:

(1) The veterinarian's license number and current business address;

(2) The number of the license of the dog if the dog is licensed;

(3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

(4) The signature of the owner of the dog attesting that
the owner's dog is not a dangerous dog;

(5) A statement that division (F) of section 955.22 of the Revised Code prohibits any person from doing any of the following:

(a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a dangerous dog;

(b) Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(c) Falsely attesting on a waiver form provided by the veterinarian under division (C) 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.

(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 (C) of this section and that attests that the dog is not a dangerous dog.

(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:

(a) A fee of fifty dollars;

(b) The person's address, phone number, and other appropriate means for the local dog warden or county auditor to contact the person;

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

(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 dog;

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

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

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

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

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

(b) If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address:

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

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

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

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

(C) In a prosecution for a violation of division (B) of this section in connection with a dog that has caused injury or serious injury to or the death of a person or dog, any of the following may be asserted as an affirmative defense, as applicable:

(1) The dog or the dog's offspring was willfully teased, tormented, or abused by a person.

(2) 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.
(3) The dog was responding to its own pain or injury.

(4) The person toward whom the dog's behavior was directed was intervening between two or more animals engaged in aggressive behavior or fighting.

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

(D)(1) Unless division (G) of this section applies, whoever violates division (B) of this section that involves a dog that has not been designated a nuisance, dangerous, or vicious dog or whoever violates division (A) of this section shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense. On each subsequent offense, the offender shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(2) In addition to the penalties prescribed in division (D)(1) of this section, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to require that dog to complete dog obedience training, or to do both.

(E)(1) Unless division (G) of this section applies, whoever violates division (B) of this section that involves a dog that has been designated a nuisance dog is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a third offense of division (B) of this section involving the same dog that has been designated a nuisance dog, the court shall
require the offender to register the dog as a dangerous dog.

(2) In addition to the penalties prescribed in division (E)(1) of this section, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to require that dog to complete dog obedience training, or to do both.

(F) Unless division (G) of this section applies, whoever violates division (B) of this section that involves a dog that has been designated a dangerous or vicious dog is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense. Additionally, the court shall do one of the following:

(1) Order the offender to personally supervise the dangerous or vicious dog that the offender owns, keeps, or harbors, require that dog to complete dog obedience training, or do both and order the offender to obtain liability insurance pursuant to division (B) of section 955.223 of the Revised Code.

(2) Order the dangerous or vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

(G) Whoever violates division (B) of this section involving any dog that causes injury, serious injury, or death to a person or dog is guilty of one of the following, as applicable:

(1) A misdemeanor of the first degree if the dog causes injury, other than serious injury, to a person or causes injury, serious injury, or death to another dog. Additionally, if the dog causes injury to a person or injury or serious injury to another dog, the court may order that the dog be humanely
destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. If the dog kills another dog, the court shall order that the dog be humanely destroyed in such a manner.

(2) A felony of the fifth degree if the dog kills or causes serious injury to a person. Additionally, if the dog kills a person, the court shall order that the dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. If the dog causes serious injury to a person, the court may order that the dog be humanely destroyed in such a manner.

(3) A felony of the fifth degree if the dog causes either injury, other than serious injury, to a person or causes injury, serious injury, or death to another dog and the offender has previously violated this section and been sentenced under division (G)(1) or (2) of this section. Additionally, if the dog causes injury to a person or injury or serious injury to another dog, the court may order that the dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. If the dog kills another dog, the court shall order that the dog be humanely destroyed in such a manner.

(4) A felony of the fourth degree if the dog kills or causes serious injury to a person and the offender has previously violated this section and been sentenced under division (G)(1), (2), or (3) of this section. Additionally, if the dog kills a person, the court shall order that the dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. If the dog causes serious injury to a person, the court may order.
that the dog be humanely destroyed in such a manner.

(H) If a violation of division (B) of this section
involves a dog that has been designated a dangerous dog or
involves a person that is subject to sentencing under divisions
(G)(1) to (4) of this section, the dog that is the subject of
the violation shall be confined or restrained in accordance with
division (A) of section 955.223 of the Revised Code or at the
county dog pound at the owner's expense until the court makes a
final determination and during the pendency of any appeal of the
violation.

(I) If the court, when authorized to do so, does not order
a dog to be humanely destroyed under division (G) of this
section, the court shall issue an order that specifies that
division (C) of section 955.13 and sections 955.223, 955.224,
955.225, and 955.54 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.

Sec. 955.221. (A) For the purposes of this section,
ordinances or resolutions to control dogs include, but are not
limited to, ordinances or resolutions concerned with the
ownership, keeping, or harboring of dogs, the restraint of dogs,
dogs as public nuisances, and dogs as a threat to public health,
safety, and welfare, except that such ordinances or resolutions
as permitted in division (B) of this section shall not prohibit
the use of any dog which is lawfully engaged in hunting or
training for the purpose of hunting while accompanied by a
licensed hunter. However, such dogs at all other times and in
all other respects shall be subject to the ordinance or
resolution permitted by this section, unless actually in the
field and engaged in hunting or in legitimate training for such
(B)(1) A board of county commissioners may adopt and enforce resolutions to control dogs within the unincorporated areas of the county that are not otherwise in conflict with any other provision of the Revised Code.

(2) A board of township trustees may adopt and enforce resolutions to control dogs within the township that are not otherwise in conflict with any other provision of the Revised Code, if the township is located in a county where the board of county commissioners has not adopted resolutions to control dogs within the unincorporated areas of the county under this section. In the event that the board of county commissioners adopts resolutions to control dogs in the county after a board of township trustees has adopted resolutions to control dogs within the township, the resolutions adopted by the county board of commissioners prevail over the resolutions adopted by the board of township trustees.

(3) A municipal corporation may adopt and enforce ordinances to control dogs within the municipal corporation that are not otherwise in conflict with any other provision of the Revised Code.

(C) No person shall violate any resolution or ordinance adopted under this section.

(A) If a dog is confined at the county dog pound pursuant to section 955.22, 955.222, or 955.225 of the Revised Code, 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.
of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of one hundred dollars is due to the county dog warden within ten days. The purpose of the security is to secure payment of all reasonable expenses, including medical care and boarding of the dog for sixty days, expected to be incurred by the county dog pound in caring for the dog during the pendency of court proceedings. The county dog warden may draw from the security any actual costs incurred in caring for the dog.

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

(C) Not more than ten days after the court makes a final determination under section 955.22, 955.222, or 955.225 of the Revised Code, the county dog warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the county dog warden finds that the security provided under division (A) of this section is less than the actual cost of confinement of the dog, the owner shall remit the difference between the security provided and the actual cost to the county dog warden within thirty days after the court's determination. If the county dog warden finds that the security provided under division (A) of this section is greater than that actual cost, the county dog warden shall remit the difference between the security provided and the actual cost to the owner within thirty days after the court's determination.

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

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

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

(2) That the owner, keeper, or harborer of the dog may request a hearing regarding the designation in accordance with 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 with the court with jurisdiction over the location where the alleged incident occurred that gave rise to the designation that the dog is a nuisance dog, dangerous dog, or vicious dog.

Reasonable cause may be supported by one or more notarized affidavits of a witness describing the incident or incidents in which the witness saw the dog engage in behavior that warrants 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 in writing. 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 alleged incident that gave rise to the determination that the dog is a nuisance dog, dangerous dog, or vicious dog. 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 (C)(1) Subject to division (C)(2) of this section and if the owner, keeper, or harborer has requested a hearing under division (B) of this section, a dog that has been designated a nuisance, dangerous, or vicious dog shall be confined at the county dog pound at the owner's expense until the court makes a final determination and during the pendency of any appeal of the violation.

(2) The 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 issues the order, the dog shall be confined or restrained in accordance with the provisions of division (D)(A) of section 955.22.
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)(D) It is an affirmative defense to the designation of a dog as a nuisance dog, dangerous dog, or vicious dog if any of the following apply:

(1) The dog or the dog's offspring was willfully teased, tormented, or abused by a person.

(2) 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.

(3) The dog was responding to its own pain or injury.

(4) The person toward whom the dog's behavior was directed was intervening between two or more animals engaged in aggressive behavior or fighting.

(5) The dog caused injury or serious injury to or death of a person while the person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harborer of the dog.

(E)(1) If a dog is finally determined under this section, or on appeal as described in this section, to be a vicious dog and the dog did not kill a person or another dog during the incident that gave rise to that determination, 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 may 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.

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

(2) If a dog is finally determined under this section, or on appeal as described in this section, to be a vicious dog and the dog killed a person or another dog during the incident that gave rise to that determination, the court shall 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.

(3) If the court does not order a vicious dog to be destroyed under division (E)(1) of this section, the court shall issue an order that specifies that division (C) of section 955.13 and sections 955.223, 955.224, 955.225, and 955.54 of the Revised Code apply with respect to the dog and to the owner, keeper, or harborer of the dog as if the dog were a dangerous dog.

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

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

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

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

(b) Have the leash or tether controlled by a person who is of suitable age and discretion and station such a person in close enough proximity to the dog so as to prevent it from causing injury to any person;

(c) Securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained;

(d) Muzzle the dog.

(B) No owner, keeper, or harborer of a dangerous dog shall fail to do any of the following:

(1) Obtain liability insurance with an insurer authorized, approved, or otherwise eligible to write liability insurance in this state providing at least one hundred thousand dollars of 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 authorized to enforce this chapter;

(2) Obtain a dangerous dog registration certificate from
the county dog warden pursuant to section 955.224 of the Revised
Code, 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;

(3) Notify the county dog warden immediately if any of the
following occurs:

(a) The dog is loose or unconfined.

(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.

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

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

(C) Whoever violates division (A) of this section is
guilty of a misdemeanor of the fourth degree on a first offense
and of a misdemeanor of the third degree on each subsequent
offense. Additionally, the court shall do one of the following:

(1) Order the offender to personally supervise the
dangerous dog that the offender owns, keeps, or harbors, require
that dog to complete dog obedience training, or to do both and,
if applicable, order the offender to obtain liability insurance
in the manner described in division (B)(1) of this section;

(2) Order the dangerous dog to be humanely destroyed by a
licensed veterinarian, the county dog warden, or the county
humane society at the owner's expense.

(D) Whoever violates division (B)(1) of this section is
guilty of a minor misdemeanor.

(E) Whoever violates division (B)(2) of this section is
guilty of a misdemeanor of the fourth degree.

(F) Whoever violates division (B)(3) or (4) of this
section is guilty of a minor misdemeanor.

Sec. 955.224. (A)(1) Not later than thirty days after a
dog has been designated a dangerous dog under section 955.222 of
the Revised Code or a person acquires ownership of a dangerous
dog, the owner of the dog shall file an application for a
dangerous dog registration certificate in the office of the
county dog warden of the county in which the owner resides. The
owner shall renew the certificate annually by filing an
application on or after the first day of December, but not later
than the thirty-first day of January each year.

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

(3) Registration of a dangerous dog required by this
section is in addition to the registration required by section
955.01 of the Revised Code.
(B) The county dog warden 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 warden:

(1) A fee of fifty dollars for the initial registration and annual renewal, or, if the initial registration period is less than twelve months, a fee equal to a prorated amount as determined by the county dog warden;

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

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

(a) 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 dog;

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

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

(d) Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.
(C) Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the county dog warden shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure established in division (D)(2) of this section and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

(D)(1) If a registered dangerous dog and its owner relocate to a new address within the county of registration, the owner shall provide notice of the new address to the county dog warden within ten days of relocating to the new address.

(2) If a registered dangerous dog and its owner relocate to a new address in another county, the owner shall do both of the following within ten days of relocating to the new address:

(a) Provide written notice of the new address and a copy of the current dangerous dog registration certificate to the county dog warden of the new county;

(b) Provide written notice of the new address to the county dog warden of the county where the owner previously resided.

(E) No owner of a dangerous dog shall fail to present the dangerous dog registration certificate upon request by any law enforcement officer, dog warden, or public health official authorized to enforce this chapter.

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

(G) Whoever violates division (E) of this section is
guilty of a minor misdemeanor.

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

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

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

(3) Falsely attest on a waiver form provided by a veterinarian under division (B) of this section that a dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(B) 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:

(1) The veterinarian's license number and current business address;

(2) The number of the dog's registration issued under section 955.01 of the Revised Code if the dog is so registered;

(3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

(4) The signature of the owner of the dog attesting that the owner's dog is not a dangerous dog;

(5) A statement that division (A) of section 955.225 of the Revised Code prohibits any person from doing any of the following:

(a) Debarking or surgically silencing a dog that the
person knows or has reason to believe is a dangerous dog;

(b) Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(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.

(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.

(D) Whoever violates division (A)(1), (2), or (3) of this section 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 (A)(1), (2), or (3) of this section, and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (A) of section 955.223 of the Revised Code or at the county dog pound at the owner's expense.

Sec. 955.23. (A) No county dog warden shall willfully fail to perform his duties under section 955.12 of the Revised Code or other duties required of dog wardens.
(B) Whoever violates division (A) of this section is guilty of a minor misdemeanor.

Sec. 955.24. (A) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unregistered dog or making an examination of a dog wearing a tag.

(B) Whoever violates division (A) of this section is guilty of a minor misdemeanor.

Sec. 955.25. (A) No person shall own, keep, or harbor a dog wearing a fictitious, altered, or invalid registration tag or a registration tag not issued by the county auditor in connection with the registration of such animal.

(B) Whoever violates division (A) of this section is guilty of a minor misdemeanor.

Sec. 955.261. (A)(1) No person shall remove a dog that has bitten any person from the county in which the bite occurred until a quarantine period as specified in division (B) of this section has been completed. No person shall transfer a dog that has bitten any person until a quarantine period as specified in division (B) of this section has been completed, except that a person may transfer the dog to the county dog warden or to any other animal control authority.

(2)(a) Subject to division (A)(2)(b) of this section, no person shall kill a dog that has bitten any person until a quarantine period as specified in division (B) of this section has been completed.

(b) Division (A)(2)(a) of this section does not apply to the killing of a dog in order to prevent further injury or death or if the dog is diseased or seriously injured.
(3) No person who has killed a dog that has bitten any person in order to prevent further injury or death or if the dog is diseased or seriously injured shall fail to do both of the following:

(a) Immediately after the killing of the dog, notify the board of health for the district in which the bite occurred of the facts relative to the bite and the killing;

(b) Hold the body of the dog until that board of health claims it to perform tests for rabies.

(B) The quarantine period for a dog that has bitten any person shall be ten days or another period that the board of health for the district in which the bite occurred determines is necessary to observe the dog for rabies.

(C)(1) To enable persons to comply with the quarantine requirements specified in divisions (A) and (B) of this section, boards of health shall make provision for the quarantine of individual dogs under the circumstances described in those divisions.

(2) Upon the receipt of a notification pursuant to division (A)(3) of this section that a dog that has bitten any person has been killed, the board of health for the district in which the bite occurred shall claim the body of the dog from its killer and then perform tests on the body for rabies.

(D) This section does not apply to a police dog that has bitten a person while the police dog is under the care of a licensed veterinarian or has bitten a person while the police dog is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If, after biting a person, a police dog exhibits any abnormal behavior, the law
enforcement agency and the law enforcement officer the police
dog assists, within a reasonable time after the person is
bitten, shall make the police dog available for the board of
health for the district in which the bite occurred to perform
tests for rabies.

(E) As used in this section, "police dog" has the same
meaning as in section 2921.321 of the Revised Code.

(F) Whoever violates this section is guilty of a minor
misdemeanor on a first offense and of a misdemeanor of the
fourth degree on each subsequent offense.

Sec. 955.39. (A) No person shall violate a rabies
quarantine order issued under section 955.26 of the Revised
Code.

(B) Whoever violates division (A) of this section is
guilty of a minor misdemeanor on a first offense and of a
misdemeanor of the fourth degree on each subsequent offense.

Sec. 955.43. (A) When either a blind, deaf or hearing
impaired, or mobility impaired person or a trainer of an
assistance dog is accompanied by an assistance dog, the person
or the trainer, as applicable, is entitled to the full and equal
accommodations, advantages, facilities, and privileges of all
public conveyances, hotels, lodging places, all places of public
accommodation, amusement, or resort, all institutions of
education, and other places to which the general public is
invited, and may take the dog into such conveyances and places,
subject only to the conditions and limitations applicable to all
persons not so accompanied, except that:

(1) The dog shall not occupy a seat in any public
conveyance.
(2) The dog shall be upon a leash while using the facilities of a common carrier.

(3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(B) No person shall deprive a blind, deaf or hearing impaired, or mobility impaired person or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division (A) of this section, nor charge the person or trainer a fee or charge for the dog.

(C) As used in this section, "institutions of education" means:

(1) Any state university or college as defined in section 3345.32 of the Revised Code;

(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;

(3) Any elementary or secondary school operated by a board of education;

(4) Any chartered or nonchartered nonpublic elementary or secondary school;

(5) Any school issued a certificate of registration by the state board of career colleges and schools.

(D) Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree.
Sec. 955.44. All fines collected for violations of sections 955.11, 955.21, 955.13, 955.22, 955.23, 955.223, 955.224, 955.225, 955.23, 955.25, and 955.261, and 955.60 of the Revised Code shall be deposited in the county treasury to the credit of the dog and kennel fund.

Sec. 955.50. (A) No person shall sell, offer to sell, or expose for sale, for the purpose of resale or receive for delivery within this state, or ship from any point within this state to any point outside this state, for sale to the general public at retail, any dog under the age of eight weeks.

(B) No person shall receive from outside this state, or ship from any point within this state to any point outside this state, for sale to the general public at retail, any dog that is not accompanied by a certificate, issued by a licensed veterinarian who is accredited by the United States department of agriculture and authorized to issue health certificates for animals in interstate commerce, certifying that the dog is sufficiently sound and healthy to be reasonably expected to withstand the intended transportation without adverse effect.

(C) This section does not apply to the transportation of dogs in interstate commerce by common carrier, provided that neither the point of shipment nor the point of receiving is within this state.

(D) No person responsible for the transportation of a pregnant dog to any point within this state or from any point within this state to any point outside this state shall be liable in damages for any injury to or illness of, or the death of, the dog or any puppies, whenever the injury, illness, or death results from the birth of such puppies during the time the dog is being transported.
(E) Whoever violates this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

Sec. 955.54. (A) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after the effective date of this section or May 22, 2012, a felony violation of any provision of Chapter 959., 2923., or 2925. of the Revised Code committed on or after the effective date of this section May 22, 2012, or a violation of division (B) of section 2919.22 of the Revised Code committed on or after the effective date of this amendment shall knowingly own, possess, have custody of, or reside in a residence with either of the following for a period of three five years commencing either upon the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for the offense or violation, upon the date of the person's final release from the other sanctions imposed for the offense or violation:

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

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

(B) A No person described in division (A) of this section shall fail to microchip for permanent identification any dog owned, possessed by, or in the custody of the person.

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

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

(D) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the first degree.

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

(B) If, after investigating an alleged violation of this chapter under division (A) of this section, an authorized person does not cite a person for or charge a person with a violation, the authorized person shall notify, in accordance with division (C) of this section, the owner, keeper, or harborer of the dog that there has been a complaint regarding the dog and that the authorized person investigated a possible violation. The notice shall specify all of the following:

(1) A citation to the applicable provision or provisions of law at issue;

(2) Contact information for the authorized person;

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

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

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

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

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

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

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

Section 2. That existing sections 109.73, 715.23, 901.80, 955.01, 955.02, 955.04, 955.10, 955.11, 955.12, 955.16, 955.21, 955.22, 955.221, 955.222, 955.23, 955.24, 955.25, 955.261, 955.39, 955.43, 955.44, 955.50, and 955.54 of the Revised Code are hereby repealed.

Section 3. That section 955.99 of the Revised Code is hereby repealed.
Section 4. The owner of a dog who holds a valid dangerous
dog registration certificate for the dog that was issued under
division (I) of section 955.22 of the Revised Code as that
section existed prior to its amendment by this act shall renew
the certificate beginning December 1 of the year in which this
act takes effect, but not later than January 31 of the
subsequent year regardless of when the owner would have been
required to renew the certificate under former law. Except as
otherwise provided in this section, the owner shall file the
application in accordance with section 955.224 of the Revised
Code as enacted by this act.

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

Section 5. This act shall be known as "Savannah's Law."