



H.B. 37 (Antani, Holmes)  
Criminal Justice Subcommittee on Criminal Sentencing  
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Co-Chairs Grendell and Galonski and members of the House Criminal Justice Subcommittee on Criminal Sentencing, my name is Corey Roscoe and I am the Ohio state director for the Humane Society of the United States (HSUS) the nation's most effective animal protection organization. On behalf of the HSUS and our Ohio members and supporters, thank you for the opportunity to provide Interested Party testimony on HB 37, to revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law.

We understand that managing dangerous dogs is a complex issue. We want to emphasize the need to carefully define the problem this bill seeks to address, which ideally can be gleaned from record keeping required by existing law, and strong expertise in subject areas such as dog behavior, dog bite trends and data, and sociological influences on pet owner conduct. All of those and more are critical aspects of this legislation that need to be crystal clear before they should be codified.

The HSUS wholeheartedly supports reasonable regulations for all dogs and their owners, including provisions for regulating dogs who have shown themselves to be dangerous, as a critical tool in creating safe and humane communities. Legislation should draw clear distinctions between well-behaved dogs, and dogs who may pose a risk to residents. Tiered penalties for violations of nuisance, dangerous and vicious dogs are important provisions, as is outlining a thorough appeal process for owners to challenge a designation.

We strongly recommend a working group of experts to further develop this legislation to achieve meaningful and enforceable outcomes.

### **Training for Dog Wardens**

The HSUS supports training for Ohio dog wardens, especially if they are expected to handle intricate cases involving dog behavior, social factors and environmental variables. Evidence suggests that training helps animal care and control professionals be more effective and reduces safety risks. We strongly recommend that training include animal behavior and handling, public health and safety with an emphasis on disease control and the effects of tethering on dog behavior, and a precursory training on social work as a first response and conflict resolution. This is a serious responsibility and the people trusted to handle these



delicate cases need to be equipped with the best information, tools and resources needed to be the best they can be. We owe it to them to fully support this.

### Definitions

Injury - There is a definition of 'serious injury' but 'Injury' is not defined. Sec. 955.21 A (1) a: "The dog has caused injury to any person." The subjectivity can lead to enforcement confusion. Is injury a scratch, a bruise?

Nuisance Dog - **Page 28, Line 785**. This category is possibly the most important one because it allows for prevention of further incidents and getting this right could position Ohio as having one of the strongest dog laws in the country if proper resources are allocated to enforcement. Most reasonable people can't correctly identify dog behavior and there are elements of the definition of nuisance that may need further developing:

- The term "nuisance" itself which may be confusing because of other common uses
- While "off premises of owner" is insufficient and would not prevent the death of Klonda Richey. The dogs she complained about were allegedly tied up in the yard while 'menacing.'

Dangerous Dog - **Page 27, Line 762** - We believe this to be a technical error. Dangerous dog definition includes "(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 harbinger of the dog has plead guilty to or been convicted of three or more of those violations." The bill should reference section **C** of 955.22 not section B. Current law is section C whereas Section B is for female dogs in heat.

### Penalty

**Page 38, Line 1062** 'dog shall be euthanized if kills another dog.' We suggest '**may**' not a '**shall**' to allow for judicial discretion as each case is unique. Prey drive and aggression are not the same. There are some circumstances under which a dog may kill a dog (or cat) which may be identifiable as normal dog behavior rather than aggression or dangerous. Euthanizing a dog with a prey drive is extreme. Prey drive in animals is not at all correlated to prey drive with people. Owners should be required to control their dogs with prey drive (ex. following leash laws, sturdy fencing, etc.) but this is best decided by local animal control on a case by case basis. Factors that influence dog behavior include:

- 1) Lack of socialization – aka isolated dogs (ex. chained dogs)
- 2) Lack of supervision or proper restraint
- 3) Reproductive status – unaltered dogs are more likely to bite
- 4) Pain & illness
- 5) Past or current abuse



Page 38, line 1066-1072 – Penalty of a felony when a dog has “seriously injured” a person seems excessive.

### **Preventative Measures**

Strong dangerous dog laws are only one piece of the puzzle. Having other preventative methods in place is critical. Without them, bites and attacks will continue and there will still be victims of tragedy. The HSUS believes in addressing the factors that directly contribute to creating dangerous dogs and work to mitigate these conditions when possible.

We suggest a renewed focus on basics such as registration tags, at-large dogs and laws regulating tethering of dogs outside, which is preventative in nature. In deaths of humans due to dog bites, dogs being tethered outside is one of the top factors. Studies show that chained dogs are much more likely to bite than unchained dogs. The Centers for Disease Control (CDC) has concluded that the dogs most likely to attack are male, unneutered and chained.

Since no law can fully prevent dog bites and attacks, non-legislative efforts are also needed like more pet owner support with access to services and information that equip them to best manage their dogs’ behavior, and being more proactive in the approach to providing “animal control” in a community. If citizens do not have access to affordable veterinary care or good information about pet care, the root causes of overpopulation and unwanted, free-roaming pets cannot be successfully addressed.

We support legislators in strengthening dangerous dog laws, while providing dog owners with due process and making it incumbent on owners to manage their dog’s behavior to prevent injury or threat.