



**State Senator Bill Beagle  
Senate Bill 195 Sponsor Testimony  
Senate Judiciary Committee  
October 2, 2017**

Chairman Bacon, Vice Chairman Dolan, and Ranking Member Thomas, and members of the Senate Judiciary Committee, I would like to thank you for the opportunity to testify on behalf of Senate Bill 195. As many of you may recall, I have been working on this legislation for the past several years and I believe it is vital to our great state to continue to pursue this legislation.

In 2014 a woman named Klonda Richey, a constituent of mine, had called local officials more than a dozen times over several months concerning her neighbors' mixed-mastiffs, which she believed were threatening or not receiving adequate care. In February of that year, she was mauled to death by the dogs in her own front yard. The owners were not indicted by a grand jury, and instead were only charged with a misdemeanor for failure to control their animals.

A few months later, a 7 month old baby in the Dayton area was mauled to death by a dog that had previously attacked another dog.

In April of this year, a Dayton man was mauled to death by a pit bill that had been the source of a previous animal complaints and at least one recorded dog bite incident.

Because of these and several other tragic incidents not only in my district but across the state, I have worked diligently with county and state officials, prosecutors, dog wardens, law enforcement and humane officers, and an array of other individuals and organizations to create a better system to protect innocent Ohioans from dangerous or vicious dogs.

As a result of these meetings, I have crafted legislation that will reform the current code pertaining to nuisance, dangerous, and vicious dogs, the penalties associated with these dogs, and the ability for local authorities to go after problem pet owners.

Under current code, dogs have what has been described by those in the field as "one free growl, one free bite, and one free kill." While it was not the intent of the law to punish good dogs and their owners from an isolated incident, giving dogs a "one-time pass" causes dangerous dogs to get a second chance to harm someone. To fix this, the legislation strives to give local authorities the tools they say they need to address problem dogs and their owners, without punishing those that are not a serious threat to the community.

The bill that I have introduced will focus on accountability of problem dogs and their owners, as well as a “clean up” of the code to make it easier to navigate. All of these changes are coming directly from experts and practitioners in the field. It is important to note that none of these changes are focused on breeds of dogs, but rather their actions.

In an effort to *prevent* this from happening again, this bill proposes:

- Requiring every call to a dog warden generate an investigation or follow up.
- Requiring owners to respond to warnings or postings on the dwelling about their dogs within a defined reasonable amount of time.
- Allowing witnesses to give a notarized affidavit saying they saw a dog bite/injure/kill a person. Current code does not allow dog wardens to cite owners unless there is a witness to the incident.
- Clarifying that dog wardens have arresting authority, something that an Attorney General opinion also confirms.
- Increases the penalties for not complying with the requirements of transferring any dog, and revises the criminal penalties for violating the prohibition against failing to comply with specified requirements for the sale or transfer of any dog.
- Requiring each dog which is deemed a dangerous dog be registered and on file with a dangerous dog registration certificate each year and establishing penalties for not registering the dangerous dog.
- Extending the amount of time violent felons cannot own dogs from 3 years to 5 years. In addition, any child abusers cannot own a dog for that same amount of time.

In the event a tragedy occurs, this bill proposes harsher *punishments* than are available today:

- Creating a more comprehensive penalty structure for nuisance, dangerous, and vicious dogs including more severe penalties for seriously injuring or killing a person, or killing a companion animal. This includes the possibility for:
  - Dogs to be humanely destroyed when they kill a person
  - Dogs to be humanely destroyed when the dog has caused injury or serious injury to another dog and has been recommended by a vet, registered vet technician or county dog warden after evaluation of the dog’s injury
  - Owners to be charged with a fifth degree felony on the first offense under certain conditions.
  - Gives the tools to local authority to make the calls as to how to proceed with charges
- Changing “provocation” to an affirmative defense, instead of being the burden of the prosecution.

All of these changes come from requests from local authorities and those in the field. These additions will help keep our communities safer from problem pet owners and help prevent additional tragedies in our state.

## *Dog Designations*

### **Vicious Dog**

- A dog that has caused serious injury or has killed any person.
- A dog that has caused injury, serious injury, or death to any person or dog after being designated a dangerous dog including death to a dog by euthanasia when recommended by a veterinarian, registered veterinary technician, or county dog warden after evaluation of the dog's injury.
- Courts are granted discretion concerning whether or not to issue the euthanization order when a vicious dog does not kill a person or another dog during the applicable incident
- A vicious dog that is not ordered to be humanely destroyed must be treated the same as a dangerous dog, thus, requiring the owner of the dog to obtain a dangerous dog registration certificate and adhere to the requirements that govern dangerous dogs.

*-Fifth degree felony on the first offense.*

*-Fourth degree felony if the dog has previously been sentenced under the code.*

### **Dangerous Dog**

- A dog that has caused injury to any person. A dog that has caused injury, serious injury, or death to another dog, including death by euthanasia when recommended by a veterinarian, registered veterinary technician or county dog warden after evaluation of the dog's injuries. Finally, a dog that has been the subject of three or more violations of the law governing properly restraining a dog.
- If the dog is deemed a dangerous dog, it must be securely confined on property so it does not escape, and when it is off property must be on a leash and muzzled. They must insure the dog, obtain a dog registration certificate form
- Additionally, specifies that a notification requirement must be provided to county dog wardens if a dangerous dog is relocated.
- The owner has 30 days after the designation to register their dangerous dog. After that, an annual renewal must be filed between December 1<sup>st</sup> and January 31<sup>st</sup>. (Fines for not doing this are equal to dangerous registration fee and penalties)
- The dangerous dog fee is \$50 (will be prorated the first year). Appropriate veterinary papers are necessary to register the dog, including proof of spaying/neutering. Additionally, the dog must be microchipped.
- Requires a county dog warden to issue the registration and administer the bill's requirements governing dangerous dog certificates, not the county auditor's office.

- *1<sup>st</sup> degree misdemeanor if the dog causes injury to person. The dog may be humanely destroyed if deemed necessary by the court.*
- *1<sup>st</sup> degree misdemeanor if the dog causes injury, serious injury or death to a companion animal. The dog may be humanely destroyed, unless the dog kills a companion animal- then it must be destroyed*
- *5<sup>th</sup> degree felony if the dog causes injury to person, or injury, serious injury or death to companion animal and has been previously sentenced under this section of code*

### **Nuisance Dog**

- A dog that has chased or approached a person in a menacing fashion or apparent attitude of attack or attempted to bite or endanger a person

### *New to the Bill*

### **Farm Dog Exception**

- A dog that is kept or harbored on a farm that has injured, seriously injured, or killed another dog that has wither come on the property of the farm or disrupted the duties of the farm dog is exempt from being labeled vicious or dangerous.

### **Dog Warden Training Requirement**

- Requires the Ohio Peace Officer Training Commission to recommend rules to the Attorney General establishing requirements for the training of dog wardens and deputies for the purpose of exercising police powers, including the authority to make arrests.
- The requirement must include 42 hours of initial training and ten hours of continuing education within a time period specified by the Ohio Peace Officer Training Commission.

Chairman Bacon, and members of the Senate Judiciary Committee, thank you for the opportunity to share sponsor testimony on Senate Bill 195. I am happy to take questions at this time.