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Sponsor Testimony – HB 352

Chairman Blessing, Vice-Chair Reineke, Ranking Member Clyde, and members of the House Government Accountability and Oversight Committee, thank you for allowing Representative Huffman and I the opportunity to provide sponsor testimony on House Bill 352.

House Bill 352, also known as the Klonda Richey Act, is companion legislation to Senate Bill 195, sponsored by Senator Beagle. He has worked hard on this issue over the last three General Assemblies ever since the issue was brought to his office.

The cause for this bill stems from a 2014 incident in Dayton. Klonda Richey 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, these exact same dogs mauled her to death in her front yard. A grand jury did not indict the owners, and instead they were only charged with a misdemeanor for failure to control their animals.

She was not the only victim in the Dayton area that year. A few months later, a dog that had previously attacked another dog, mauled a 7-month old baby to death. Just this past April, a Dayton man was mauled to death by a pit bull that had been the source of previous animal complaints and at least one recorded dog bite incident.

As a result of these incidents and many others, House Bill 352 was crafted with the help of 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.

The bill that we are proposing 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. We have provided with our testimony, a list of changes that come with HB 352. 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.

We would like to thank you, Mr. Chairman, and members of the committee for the opportunity to provide sponsor testimony. At this time, we would be happy to answer any questions that you may have.

H.B. 352 Summary

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.