



**Written Testimony on Senate Bill 195
Senate Judiciary Committee**

Sharon Harvey, President and CEO, Cleveland Animal Protective League
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Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to provide interested party testimony on Senate Bill 195, legislation to amend Ohio's dangerous and vicious dogs law.

I am the President & CEO of the Cleveland Animal Protective League (APL), which is the humane society for Cuyahoga County and one of the largest animal shelters in Ohio. We are a private, nonprofit, 501(c)(3) organization organized under Ohio Revised Code 1717, and as such, are also authorized to appoint humane agents who enforce Ohio's animal protection laws.

The Cleveland APL appreciates Senator Beagle's attention to Ohio's statute governing dangerous dogs, and fully supports his intent to increase safety and accountability with dangerous dog owners. While the Ohio Revised Code Section 955 is enforced by dog wardens, there are elements of the proposed legislation that will have a direct impact on humane societies and every dog owner in Ohio. We believe modifications to this section of the Revised Code are needed, however, we have serious concerns with some of provisions that are currently in this bill.

There is broad usage of the term "injury" in the bill, which is not defined in the bill or in current law. Line 168 designates a dog as vicious if it has caused injury to any person after being designated a dangerous dog; line 192 designates a dog dangerous if it caused injury to any person; line 195 states that a dog is dangerous if it caused injury to another dog. Does injury include a large dog that may playfully jump on a person and cause them to fall and break a bone? As currently written, if a neighbor's dog makes its way to your yard and your dog bites them they would be subject to a dangerous dog hearing even though the dog is in your yard without permission. Dogs are animals, with animal instincts. They may cause accidental injury through acts that are not a threat to public or animal safety, however, as written, these incidents automatically would be subject to a hearing. This will create a significant burden on dog wardens and the courts and pull valuable resources away from investigating and prosecuting the owners of truly dangerous dogs. We suggest using the definition of "serious physical harm," which is already defined in the ORC and removing the term "injury" altogether.

Current law designates a dog as dangerous or vicious if "without provocation," the dog causes serious injury or death to a person. Sadly, we see cases every day where a person is abusing a dog, sometimes beating it or stabbing it. In these cases, if a dog is defending itself and injures a person, we do not believe they should automatically be subject to a dangerous dog hearing. As drafted, this bill would shift the responsibility of proving that the dog was provoked to the defendant as an affirmative defense. We ask that the bill be amended to retain "without provocation" in the definitions of dangerous and vicious dogs.

Finally, we ask that references to humane societies as locations for court-ordered euthanasia be removed from the bill. Humane societies enforce the animal protection laws. County dog wardens enforce the dangerous dog laws. While individual humane societies may elect to assist with court-ordered euthanasia, it is not the role of humane societies to do so.

Again, we understand the intent of this section is to address the serious challenge of regulating potentially dangerous and vicious dogs. However, we fear that the bill as written is overly broad and will overburden county dog warden and court resources investigating and conducting hearings about dogs that are acting on their natural drive, self-defense, or accidentally causing minor injury to a person or another dog. These valuable resources need to be focused on dealing with dogs that truly pose a risk to public safety.

We believe this bill is an improvement to the legislation that was introduced last year, but we ask the committee to seriously consider additional amendments to SB 195 prior to passage.

Again, thank you for the opportunity to speak to this legislation. I appreciate thoughtful consideration of this important issue.