

Northwest Ohio Dog Wardens and Animal Control Officers' Association

President
Rodney Cook
Wood County

Vice President
Mike Schroth
Putnam County

Treasurer
Randy Vogel
Defiance County

Secretary
Barb Knapp
Erie County



Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas and members of the Senate Judiciary Committee:

The Northwest Ohio Dog Wardens & Animal Control Officers' Association (Northwest Association) represents various chief dog wardens, deputy dog wardens and animal control officers throughout Northwest Ohio. It is with their valuable input that the Northwest Association has reviewed and chosen to support Senate Bill 195.

The Northwest Association supports legislative changes intended to mitigate injuries and deaths caused by dogs through discouraging and penalizing irresponsible ownership. Specifically the Northwest Association is in favor of changes that:

- Remove “without provocation” from the nuisance, dangerous and vicious dog definitions and establishes affirmative defenses to protect dogs from being wrongfully designated. This change restores an officer’s job of gathering and presenting evidence to court for consideration by judges who are more qualified to determine provocation after reviewing the circumstances and facts of the incident.
- Increases criminal penalties when dogs are not properly confined resulting in injuries or deaths. The penalties are commensurate with the degree of injury caused and can be assessed against violators on the first offense, which cannot be done under current law.
- Increases criminal penalties for unlawfully transferring ownership of dogs. The unlawful transfer of dogs is a commonly used method to subvert law enforcement thereby hindering enforcement of nuisance, dangerous and vicious dog requirements and licensing.
- Requires courts to euthanize dogs that kill a person but permits discretion in less severe cases. Current law only permits euthanasia if a dog kills a person after being designated vicious.
- Restricts ownership of certain dogs by certain felony offenders including those convicted of or pleading guilty to child endangerment and increases the period of time the offenders cannot own such dogs from three years to five years.
- Shifts the authority to issue dangerous dog registrations and administer the law governing dangerous dog registration certificates from county auditors to the county dog warden to ensure compliance with dangerous and vicious dog requirements and enforcement of violations.
- Specifies the timeframe and manner within which dangerous dog licenses must be purchased and renewed and establishes a penalty for noncompliance consistent with traditional dog licenses.
- Change dangerous dogs to vicious if they cause injury to persons or serious injury or death to dogs.
- Restore court jurisdiction for designation hearings based on the incident location as opposed to the residence of the dog’s owner, keeper or harbinger as is typically required for other criminal cases. Many cases involving dogs residing out of the country, state or county are not adequately addressed due to the limitations of investigating and prosecuting violations occurring in other territorial jurisdictions.
- Establishes statutorily required training for dog wardens and deputy dog wardens as specified by the Ohio Police Officer Training Commission. Since dog wardens and deputy dog wardens are law enforcement officers with the same police powers as sheriff’s deputies and police officers including the authority to carry firearms and make arrests, training is essential. However there currently are no statutorily mandated training requirements for dog wardens like there are for certified peace officers.

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The Northwest Association encourages additional provisions, not included in the bill, that:

- Add language limiting liability to counties and dog wardens when utilizing reasonable discretion in issuing designations. Currently dog wardens and counties are not afforded such discretion with protections thereby increasing the number of unnecessary designations and subsequent hearings that must be held in court. Counties and dog wardens should not be liable for choosing not to designate under reasonable circumstances, such as a puppy unintentionally causing injury due to sharp teeth or claws.
- Increase the training of dog wardens beyond 42 hours of initial training and 10 hours of continuing education as specified in Senate Bill 195 focusing on enforcement, subject control, making arrests and other safety oriented training.
- Clarify section 955.60, assessing fines if not contacted within specified time periods after posting notices.
 - Remove social media correspondence as an acceptable method for owners to respond to posted notices.
 - What is the procedure for assessing and collecting fines if contact cannot be made?
 - Are the fines a criminal or civil sanction, there is no similar language or process within Chapter 955?
 - Are the fines payable to the county dog warden or to a court and what can be done if they are not paid?
- Add language prohibiting the transfer of dogs during the pendency of any designation, except to a veterinarian or county dog warden for euthanasia.
- Establish requirements and penalties for nuisance dogs as currently there are none which renders a nuisance designation pointless and ineffective. By definition nuisance dogs have already presented a danger to the public and should be more strictly regulated than non-designated dogs.
- Increase the minor misdemeanor penalty for a nuisance dog running loose. This is the same penalty for a non-designated dog running loose also rendering the nuisance designation pointless and ineffective.
- Establish mandatory liability insurance for all designated dogs. Under current law and Senate Bill 195 liability insurance is only mandated for vicious dogs and there is no requirement for nuisance dogs.
- Increase the minor misdemeanor penalty for failing to obtain and maintain liability insurance in an effort to deter owners from failing to comply. Too many dog bite victims have been robbed of adequate compensation as a result of no or insufficient liability insurance coverage leaving them further victimized and unable to pay their medical expenses.

Senate Bill 195 is a positive step towards increasing public safety by addressing the actions of irresponsible dog owners and their dogs and restoring common sense enforcement measures designed to mitigate dog attacks.

Thank you for the opportunity to provide written proponent testimony for Senate Bill 195.

Respectfully,

Northwest Association Officers

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