



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Wendy Zhan, Director

Office of Research
and Drafting

Legislative Budget
Office

R-136-1437-1

To: The Honorable Kevin D. Miller
Ohio House of Representatives

From: Amanda Goodman, Attorney *ag*

Date: May 30, 2025

Subject: Changes made in Sub. H.B. 247 (I_136_0758-3)

You recently asked for a brief summary of the changes made in Sub. H.B. 247 (I_136_0758-3). Those changes are as follows:

- Changes the mens rea/mental state for the following offenses to strict liability:
 - A dog owner failing to register their dog with the county auditor (mens rea in As Introduced version is negligently) (R.C. 955.02(H));
 - A dog owner failing to present a valid dangerous dog registration upon request of any law enforcement officer, dog warden, or public health official (mens rea in As Introduced version is negligently) (R.C. 955.02(I));
 - A dangerous or vicious dog owner failing to obtain a dangerous dog registration, affix the dangerous dog tag to the dog, or ensure that the dog wears the collar and tag at all times (mens rea in As Introduced version is negligently) (R.C. 955.02(J));
 - A dog kennel owner failing to register the kennel (mens rea in As Introduced version is recklessly) (R.C. 955.04(B));
 - A dog owner failing to require their dog to wear a valid tag (mens rea in As Introduced version is recklessly) (R.C. 955.09(A));
 - A seller or other transferor of a dog, including a dangerous or vicious dog, failing to comply with requirements governing the sale or transfer of the dog (mens rea in As Introduced version is recklessly) (R.C. 955.11(D));
 - A dog owner failing to keep their dog from running at large (keeping their dog under reasonable control) (mens rea in As Introduced version is recklessly) (R.C. 955.21(A));
 - A dangerous or vicious dog owner failing to keep their dog securely confined (mens rea in As Introduced version is recklessly) (R.C. 955.24(A)); and
 - A dangerous or vicious dog owner failing to obtain liability insurance, provide proof of that insurance, notify the local dog warden if the dog gets loose or attacks a person

or animal under certain circumstances, or notify the county auditor or dog warden if the dog is sold, transferred, or died (mens rea in As Introduced version is recklessly) (R.C. 955.24(B)).

- Names the bill “Avery’s Law” (same as in H.B. 240).
- Increase penalties for a nuisance dog running at large from a minor misdemeanor on a first offense and a 4th degree misdemeanor on subsequent offenses to a 4th degree misdemeanor on a first offense and a 3rd degree misdemeanor on subsequent offenses.
- Mandates that a dangerous or vicious dog owner obtain at least \$100K in liability insurance instead of leaving it up to a court to order such insurance and specifies that the failure to obtain liability insurance is a 4th degree misdemeanor.
- Adds dog attack notification provisions (essentially codifies O.A.C. 3701-3-28, similar to H.B. 240, but unlike that H.B. 240, does not include mandated self-reporting requirements that apply to dog owners).
- Requires dangerous and vicious dog owners to securely confine their dogs within their home or any building on their property when an invitee is present.
- Defines injury for purposes of nuisance, dangerous, and vicious dog acts to mean any physical harm to a person, another dog, or livestock, but does not include physical harm resulting from a situation where the dog behaves in a playful, nonaggressive, or age-appropriate manner.
- Clarifies that to qualify as a nuisance or dangerous dog act (in many instances), the dog must be acting in a menacing fashion or with an apparent attitude of attack.
- Increases the dangerous and vicious dog registration fee from \$50 to \$100.
- Clarifies that “without provocation” does not include a circumstance when a dog is attacked by another dog or livestock.
- Requires a dangerous or vicious dog owner to disclose the dog’s dangerous or vicious dog status to a trainer or veterinarian who will be providing services related to the dog.
- Specifies that a dog warden must initiate a dog designation hearing in the same court in which any related criminal proceeding arising out of the same set of circumstances is being prosecuted.
- Requires the county auditor, instead of the county dog warden, to issue dangerous and vicious dog registrations; however, requires county auditors to notify the dog warden of dangerous and vicious dog registrations and address changes.
- Removes the ability for a court, when ordering the humane destruction of a dog, to require a county humane society to perform the humane destruction.
- Removes provisions that broaden the scope of a dog warden’s enforcement powers under the Dog Law and restores those provisions to current law.