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Bill Analysis

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SUMMARY

Dog Law changes

- Modifies the types of actions that a dog must engage in to be designated a vicious or dangerous dog.

Dogs running at large

- Alters the circumstances that result in the offense of allowing a dog to run at large.
- Increases certain penalties for dog owners who commit the offense of allowing a dog to run at large and alters the requirements governing the disposition of a dog that is the subject of the offense.
- Establishes new criminal penalties and authorizes and, in certain cases, requires a court to order the humane destruction of a dog when the following apply:
 - A dog owner allows the dog to run at large;
 - The dog causes injury, serious injury, or death to a person or serious injury or death to a companion animal; and
 - The dog has not previously been designated as a dangerous or vicious dog.

Dangerous and vicious dog secure confinement requirements

- Adds additional secure confinement requirements that apply to an owner of a dangerous or vicious dog.

Ownership of certain dogs by felons

- Adds child endangerment to the list of existing offenses that preclude certain felons from owning specified types of dogs and increases the period of time that such a felon cannot own such a dog from three years to five years.

Notification regarding complaints

- Requires any person authorized to enforce the Dog Law to investigate a complaint that indicates a possible violation of that law.
- Requires the authorized person to notify the dog's owner that there has been a complaint regarding the dog if the authorized person does not cite the person for or charge the person with a violation.
- Establishes the required contents of the notice, requires the authorized person to post the notice on the door of the dwelling at which the dog resides within 24 hours of the investigation, and requires the dog's owner to respond to the notice within 48 hours via specified forms of communication.

Dog attack notifications

- Codifies the Department of Health's rule governing dog bite reporting.
- Accordingly, requires all of the following who have knowledge of an attack by a dog or other nonhuman mammal to report the attack within 24 hours after obtaining that knowledge:
 - A health care provider;
 - A licensed veterinarian; or
 - A dog owner whose dog caused the bite or injury.
- Requires a city or general health district board of health to annually submit a report regarding nonhuman mammalian attacks occurring in its district to the Department of Health by March 1 of each year.

Companion animal breeding in a residential area

- Prohibits a person from knowingly breeding a companion animal for commercial purposes in an area that is zoned residential unless one of the following applies:
 - The breeding is conducted in a recreational manner and the person does not profit from the breeding activity; or
 - The breeding is unintentional or accidental.

Bill's name

- Names the bill "Avery's Law" in honor of Avery Russell, who was severely injured in a dog attack in Reynoldsburg, Ohio in June 2024, when she was 12 years old.

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DETAILED ANALYSIS

Dog Law changes

Background and overview

Under current law, if a dog injures, seriously injures, or kills a person, and the dog has not previously committed such an act, there is no process by which a court is required or authorized to order the dog to be humanely destroyed. The only ramifications for the dog's act are as follows:

1. The dog's owner, keeper, or harborer (hereinafter "dog owner") may be criminally charged for failing to keep the dog under reasonable control of a person (more commonly known as "allowing the dog to run at large"); or¹
2. The dog warden or other person who has authority to enforce the Dog Law (hereinafter "authorized person") may designate the dog as a dangerous or vicious dog, provided that the dog was not provoked when it injured, seriously injured, or killed the person.

If a dog owner does not agree with the designation, the owner may request a municipal court or county court with jurisdiction over the owner's residence to hold a dog designation hearing. After the hearing, if the dog is designated as a nuisance, dangerous, or vicious dog, heightened penalties apply if the dog is found running at large, including if the dog causes injury.

There are only a few instances in current law in which a court may order a dog to be humanely destroyed. These instances are as follows:

1. A dog that has already been designated as a dangerous dog is found running at large or is not securely confined in accordance with dangerous dog secure confinement requirements. The court then has discretion to order the dog to be humanely destroyed.²
2. A dog that has already been designated as a vicious dog causes serious injury to a person while running at large. The court then has discretion to order the dog to be humanely destroyed.

¹ R.C. 955.22(C).

² See R.C. 955.99(G), repealed.

3. A dog that has already been designated as a vicious dog kills a person while running at large. The court is then mandated to order the dog to be humanely destroyed.³

The bill changes the penalties and procedures for addressing dogs that injure or kill a person or a companion animal (which is a dog, cat, or any animal that is kept within a residential dwelling) while running at large.⁴ Notably, if a dog kills or seriously injures a person while running at large, a court *may* and, in certain cases, must order the dog to be humanely destroyed, regardless of whether the dog has previously been designated as a dangerous or vicious dog. The changes to Ohio's Dog Law made by the bill also include:

- Altering what actions can result in a dog being designated as a dangerous or vicious dog;
- Establishing criminal penalties if a dog owner fails to prevent their dog from, without provocation, running at large and that results in the dog injuring, seriously injuring, or killing a person or a companion animal;
- Modifying the criminal penalties for allowing a dangerous or vicious dog to run at large when the dog does not cause harm while running at large;
- Establishing certain dog attack and dog complaint notification procedures;
- Altering the law that prohibits felons from owning certain dogs; and
- Prohibiting the breeding of companion animals for commercial purposes in an area that is zoned residential, with certain exceptions.

The following analysis describes in greater detail each change made to the Dog Law, including the prohibitions and penalties discussed above.

Dangerous and vicious dog designations

The bill changes the types of actions that a dog must engage in order to be designated a vicious or dangerous dog as follows:⁵

Dangerous and vicious dogs			
Type of dog	Current Law	H.B. 240	Notable changes in H.B. 240
Dangerous dog	A dog that, without provocation, has done one of the following:	A dog that, without provocation, has done one of the following:	Removes the requirement that the dog kill another dog to be designated as dangerous and instead lowers the

³ See R.C. 955.99(H)(1), repealed.

⁴ See R.C. 959.131, not in the bill.

⁵ R.C. 955.11.

Dangerous and vicious dogs			
Type of dog	Current Law	H.B. 240	Notable changes in H.B. 240
	1. Caused injury, other than killing or serious injury, to any person; 2. Killed another dog; or 3. Been the subject of a third or subsequent violation of running at large (without causing any injury or harm).	1. Caused injury, other than killing or serious injury, to any person; 2. Caused injury or serious injury, other than killing, to any companion animal; or 3. Been the subject of a third or subsequent violation of running at large (without causing any injury or harm).	requirement to the dog causing injury or serious injury to any companion animal, which is a dog, cat, or any animal kept within a residential dwelling. ⁶
Vicious dog	A dog that, without provocation, has killed or caused serious injury to any person.	A dog that, without provocation, has killed or caused serious injury to any person or has killed a companion animal.	Adds that a dog that has killed a companion animal can be designated as vicious (instead of dangerous if it kills another dog under current law).

The bill also alters the meaning of “without provocation” for purposes of the definitions set forth above. Under current law, that term means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. The bill adds that, if a dog kills a companion animal, the dog was not attacked by the companion animal.⁷

Dogs running at large

Current law prohibits allowing a dog to run at large. Specifically, it prohibits an owner of any dog from failing to do one of the following:

1. Keep the dog physically confined or restrained upon the premises of the dog owner by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape; or
2. Keep the dog under the reasonable control of some person.

⁶ See R.C. 959.131, not in the bill.

⁷ R.C. 955.11(A)(7).

The bill removes the requirement under (1) that the dog be upon the premises of the dog's owner for the confinement or restraint to apply and also adds that the supervision be adequate. Thus, a dog owner could be subject a penalty under (1) if the owner fails to keep the dog physically restrained in public spaces (e.g., while taking the dog for a walk).⁸

Penalties for dog owners who allow their dogs to run at large

The bill increases certain penalties for dog owners who fail to keep their dog from running at large if the dog has previously been designated a nuisance, dangerous, or vicious dog. It also establishes criminal penalties for a dog owner whose dog has caused injury, serious injury, or death to a person or to a companion animal and that dog has not previously been designated. These penalties are as follows:⁹

Penalties for dog owners who fail to keep their dog from running at large		
Type of dog and consequences of dog's actions	Current law	H.B. 240
<u>Nuisance dog</u> ¹⁰ that, while running at large, does not cause harm	Minor misdemeanor on the first offense and 4 th degree misdemeanor on each subsequent offense involving the same dog.	Minor misdemeanor on the first offense and 2 nd degree misdemeanor on each subsequent offense involving the same dog.
<u>Dangerous dog</u> that, while running at large, does not cause harm	4 th degree misdemeanor on a first offense and a 3 rd degree misdemeanor on each subsequent offense. Additionally, the court may order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.	2 nd degree misdemeanor on a first offense and a 1 st degree misdemeanor on each subsequent offense. Additionally, the court may order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

⁸ R.C. 955.22(C).

⁹ R.C. 955.99.

¹⁰ A nuisance dog, under current law and the bill, is a dog that, without provocation and off the dog owner's premises, has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person (R.C. 955.11).

Penalties for dog owners who fail to keep their dog from running at large		
Type of dog and consequences of dog's actions	Current law	H.B. 240
<u>Vicious dog</u> that, while running at large, does not cause harm	No provision.	2 nd degree misdemeanor on a first offense and a 1 st degree misdemeanor on each subsequent offense. Additionally, the court may order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.
<u>Vicious dog</u> that, while running at large, causes serious injury to a person	1 st degree misdemeanor Additionally, the court may order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.	No provision, but see new provisions for any dog that causes harm while running at large, below.
<u>Vicious dog</u> that, while running at large, kills a person	4 th degree felony Additionally, the court must order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.	No provision, but see new provisions for any dog that causes harm while running at large, below.
<u>Any dog</u> that, while running at large, causes injury, other than death or serious injury, to a person or causes injury, serious injury, or death to a companion animal	No provision – a court cannot order a dog that causes such harm to be humanely destroyed or impose heightened penalties on the first instance where the dog attacks.	1 st degree misdemeanor on a first offense and a 5 th degree felony on subsequent offenses involving the same dog that previously injured, seriously injured, or killed a person, or seriously injured or killed a companion animal. Additionally, the court may order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county

Penalties for dog owners who fail to keep their dog from running at large		
Type of dog and consequences of dog's actions	Current law	H.B. 240
		humane society at the owner's expense.
<u>Any dog</u> that, while running at large, kills or causes serious injury to a person	No provision – a court cannot order a dog that causes such harm to be humanely destroyed or impose heightened penalties on the first instance where the dog attacks.	5 th degree felony on a first offense and a 4 th degree felony on subsequent offenses involving the same dog that previously injured, seriously injured, or killed a person or seriously injured or killed a companion animal. Additionally, for the 5 th degree felony offense, the court may order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. For the 4 th degree felony offense, the court <u>must</u> order the dog to be humanely destroyed.

The bill also requires a dog owner who has been convicted or pleaded guilty to a dog running at large offense involving the same dog three or more times or that involves a dangerous dog to obtain liability insurance coverage of at least \$100,000. The coverage must apply to each occurrence involving damage or bodily injury to or death of a person caused by the dog. Current law does not establish a specific amount for the insurance.¹¹

Secure confinement requirements

The bill adds to the secure confinement requirement that apply to an owner of a dangerous or vicious dog. Current law requires a vicious or dangerous dog owner, except when that dog is lawfully hunting, to keep the dog securely confined while it is on the owner's premises in either a locked pen that has a top or other locked enclosure that has a top, or in a locked fenced yard. The bill adds that if the vicious or dangerous dog owner chooses to securely confine the dog in a locked fenced yard, the dog must also be on a chain-link leash or tether that is six feet or less in length.¹²

¹¹ R.C. 955.22(E).

¹² R.C. 955.22(D).

The bill also increases the penalties for dangerous and vicious dog owners who fail to keep their dog securely confined as follows:¹³

Penalties for dangerous or vicious dog owners who fail to keep their dog securely confined		
Type of dog	Current law	H.B. 240
Dangerous or vicious dog	<p>4th degree misdemeanor on a first offense and a 3rd degree misdemeanor on each subsequent offense.</p> <p>Additionally, the court may order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.</p>	<p>2nd degree misdemeanor on a first offense and a 1st degree misdemeanor on each subsequent offense.</p> <p>Additionally, the court may order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.</p>

Ownership of certain dogs by felons

The bill alters the law that prohibits a person who pleaded guilty to or was convicted of certain violent felony offenses from knowingly owning, possessing, having custody of, or residing in a residence with either of the following:

1. An unspayed or unneutered dog that is 12 weeks or older; or
2. Any dog that has been determined to be a dangerous dog.

Current law prohibits certain felons from knowingly owning, possessing, having custody of, or residing in a residence with those types of dogs for a period of three years commencing either (1) on the date of release of the person from any period of incarceration imposed for the offense or violation, or (2) if the person is not incarcerated for the offense or violation, on the date of the person's final release from the other sanctions imposed for the offense or violation. Specifically, this applies to a felon who is convicted of or pleads guilty to any of the following offenses:

1. A felony offense of violence committed on or after May 22, 2012;
2. A felony violation of a domestic animal offense;
3. Conspiracy, attempt, and complicity;
4. A weapons control offense;
5. A corrupt activity offense; or

¹³ R.C. 955.99(H).

6. Drug offenses committed on or after May 22, 2012.

The bill adds child endangerment¹⁴ to the list of offenses. It also increases the restricted period from three to five years.¹⁵

Notification regarding complaints

The bill requires any person authorized to enforce the Dog Law to investigate any complaint that indicates a possible violation of any provision of that law involving a dog. If, after investigating an alleged violation, the authorized person does not cite the person for or charge the person with a violation, the authorized person must notify the dog's owner that there has been a complaint regarding the dog and that the authorized person investigated a possible violation.

The bill requires the notice to specify all of the following:

1. A citation to the provision or provisions of law that governs the alleged violations;
2. Contact information for the authorized person; and
3. A requirement that the dog's owner respond to the investigator indicating that the owner has received the notice.

Under the bill, the authorized person must post the notice on the door of the dwelling at which the dog resides within 24 hours of the investigation. The dog's owner must respond within 48 hours via email, facsimile, telephone, or social media correspondence, indicating that the owner has received the notice. The dog owner may respond after the 48-hour period if it is within a reasonable time period and the response is accompanied with a reasonable explanation of why the 48-hour response deadline was not met.¹⁶

Dog attack notifications

The bill codifies the Department of Health's rule governing dog bite reporting requirements.¹⁷ Accordingly, the bill requires a health care provider or a licensed veterinarian who has knowledge of a person being bitten or injured as a result of an attack by a dog or other nonhuman mammal to report the bite or injury within 24 hours after obtaining that knowledge. The provider or veterinarian must make the report to the health commissioner of the health district in which the bite occurred. Additionally, if a dog or other nonhuman mammal bites or injures a person and the owner of the animal has knowledge of the bite or injury, the owner must report the bite or injury, within 24 hours, to the health commissioner of the health district in which the bite occurred.

¹⁴ R.C. 2919.22, not in the bill.

¹⁵ R.C. 955.54.

¹⁶ R.C. 955.60.

¹⁷ See Ohio Administrative Code 3701-3-28.

While not specified in the current rule, the bill allows a person who is bitten or injured as a result of an attack by a dog or other nonhuman mammal to report the bite or injury to the health commissioner of the health district in which the bite occurred.

A city or general health district board of health must annually submit a report regarding nonhuman mammalian bites and injuries occurring in its district to the Department of Health by March 1 every year. The report must include information about the bites and injuries that occurred in the previous calendar year.¹⁸

Companion animal breeding in a residential area

The bill prohibits a person from knowingly breeding a companion animal for commercial purposes in an area that is zoned residential unless either of the following applies:

1. The breeding is conducted in a recreational manner and the person does not profit from the breeding activity; or
2. The breeding is unintentional or accidental.¹⁹

Under the bill, a person who violates this prohibition is guilty of a minor misdemeanor on a first offense and a fourth degree misdemeanor on each subsequent offense.²⁰

Bill's name

The bill is named “Avery’s Law” in honor of Avery Russell, who was severely injured in a dog attack in Reynoldsburg, Ohio in June 2024, when she was 12 years old.²¹

HISTORY

Action	Date
Introduced	04-17-25

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¹⁸ R.C. 955.13.

¹⁹ R.C. 956.25.

²⁰ R.C. 956.99(A).

²¹ Section 3.