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Committees
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Senate Bill 151
Senate Agriculture Committee
Sponsor Testimony –Senator Bill Beagle
June 9, 2015

Chairman Hite, Vice Chair Uecker, Ranking Member Gentile, and members of the Senate Agriculture Committee, thank you for the opportunity to testify on Senate Bill 151.

I have been working on this legislation for the past year after several people in my district were the victims of vicious dog attacks, including a woman named Klonda Richey. Ms. 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 last year, she was mauled to death by the dogs in her own front yard. The owners were not indicted by a grand jury, and instead were only charged with a misdemeanor for failure to control their animals.

A few months later, a 7 month old baby in the Dayton area was mauled to death by a dog that had previously attacked another dog.

Since these and several other tragic incidents, the City of Dayton, county officials, local prosecutors, dog wardens, sheriffs and humane officers have met over the course of the last year to work on creating a better system to protect innocent Ohioans from vicious or dangerous dogs.

As a result of these meetings, I have crafted legislation that will reform the current code pertaining to nuisance, dangerous, and vicious dogs, the penalties associated with these dogs, and the ability for local authorities to go after problem pet owners.

Under current code, dogs have what has been described by those in the field as “one free growl, one free bite, and one free kill.” While it was not the intent of the law to punish good dogs and their owners from an isolated incident, giving dogs a “one-time pass” causes dangerous dogs to get a second chance to harm someone. To fix this, the legislation strives to give local authorities the tools they say they need to address problem

dogs and their owners, without punishing those that are not a serious threat to the community.

This bill is the first of several pieces of legislation that I plan on introducing that 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. All of these changes are coming directly from practitioners in the field. It is important to note that none of these changes are focused on breeds of dogs, but rather their actions.

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.
- Creating a penalty for not complying with the requirements of transferring a dangerous 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 or companion animal or seriously injure a person.
 - 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.

Attached to this testimony is a breakdown of how these dogs would be designated based on severity of the attack, and the penalties associated with the designation.

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.

Chairman Hite, and members of the Agriculture Committee, thank you for the opportunity to testify on behalf Senate Bill 151. I'm happy to answer any questions you may have at this time.

Dog Designations

Vicious Dog

- A dog that has killed person or companion animal. If the dog is deemed a vicious dog, they must be humanely destroyed.

-Fifth degree felony on the first offense.

-Fourth degree felony if the dog has previously been sentenced under the code.

Dangerous Dog

- A dog that has caused injury or serious injury to any person or companion animal. If the dog is deemed a dangerous dog, it must be securely confined on property so it does not escape, and when it is off property must be on a leash and muzzled. They must insure the dog, obtain a dog registration certificate form
- Additionally, the owner must inform the local dog warden if the dog gets loose, bites or attacks a dog or animal, or is sold, dies or given to another person.
- The owner has 30 days after the designation to register their dangerous dog. After that, an annual renewal must be filed between December 1st and January 31st. (Fines for not doing this are equal to dangerous registration fee and penalties)
- The dangerous dog fee is \$50 (will be prorated the first year). Appropriate veterinary papers are necessary to register the dog, including proof of spaying/neutering. Additionally, the dog must be microchipped.
- Signs must be posted at residence of the owner. If the owner moves, they must notify the auditor of the new county as well as the county they previously lived in.
- *1st degree misdemeanor if the dog causes injury to person. The dog may be humanely destroyed if deemed necessary by the court.*
- *1st degree misdemeanor if the dog causes injury, serious injury or death to a companion animal. The dog may be humanely destroyed, unless the dog kills a companion animal- then it must be destroyed*
- *5th degree felony if the dog causes injury to person, or injury, serious injury or death to companion animal and has been previously sentenced under this section of code*

Nuisance Dog

- A dog that has chased or approached a person in a menacing fashion or apparent attitude of attack or attempted to bite or endanger a person