

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 447

Representatives Schuring, Slesnick

A BILL

To amend section 2921.321 of the Revised Code to 1
prohibit a person from intentionally killing a 2
police dog in the line of duty. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2921.321 of the Revised Code be 4
amended to read as follows: 5

Sec. 2921.321. (A) No person shall knowingly cause, or 6
attempt to cause, physical harm to a police dog or horse in 7
either of the following circumstances: 8

(1) The police dog or horse is assisting a law enforcement 9
officer in the performance of the officer's official duties at 10
the time the physical harm is caused or attempted. 11

(2) The police dog or horse is not assisting a law 12
enforcement officer in the performance of the officer's official 13
duties at the time the physical harm is caused or attempted, but 14
the offender has actual knowledge that the dog or horse is a 15
police dog or horse. 16

(B) No person shall purposely cause the death of a police 17
dog by use of force when the police dog is assisting a law 18

<u>enforcement officer in the performance of the officer's official</u>	19
<u>duties.</u>	20
(C) No person shall recklessly do any of the following:	21
(1) Taunt, torment, or strike a police dog or horse;	22
(2) Throw an object or substance at a police dog or horse;	23
(3) Interfere with or obstruct a police dog or horse, or	24
interfere with or obstruct a law enforcement officer who is	25
being assisted by a police dog or horse, in a manner that does	26
any of the following:	27
(a) Inhibits or restricts the law enforcement officer's	28
control of the police dog or horse;	29
(b) Deprives the law enforcement officer of control of the	30
police dog or horse;	31
(c) Releases the police dog or horse from its area of	32
control;	33
(d) Enters the area of control of the police dog or horse	34
without the consent of the law enforcement officer, including	35
placing food or any other object or substance into that area;	36
(e) Inhibits or restricts the ability of the police dog or	37
horse to assist a law enforcement officer.	38
(4) Engage in any conduct that is likely to cause serious	39
physical injury or death to a police dog or horse;	40
(5) If the person is the owner, keeper, or harbinger of a	41
dog, fail to reasonably restrain the dog from taunting,	42
tormenting, chasing, approaching in a menacing fashion or	43
apparent attitude of attack, or attempting to bite or otherwise	44
endanger a police dog or horse that at the time of the conduct	45

is assisting a law enforcement officer in the performance of the 46
officer's duties or that the person knows is a police dog or 47
horse. 48

~~(C)~~ (D) No person shall knowingly cause, or attempt to 49
cause, physical harm to an assistance dog in either of the 50
following circumstances: 51

(1) The dog is assisting or serving a blind, deaf or 52
hearing impaired, or mobility impaired person at the time the 53
physical harm is caused or attempted. 54

(2) The dog is not assisting or serving a blind, deaf or 55
hearing impaired, or mobility impaired person at the time the 56
physical harm is caused or attempted, but the offender has 57
actual knowledge that the dog is an assistance dog. 58

~~(D)~~ (E) No person shall recklessly do any of the 59
following: 60

(1) Taunt, torment, or strike an assistance dog; 61

(2) Throw an object or substance at an assistance dog; 62

(3) Interfere with or obstruct an assistance dog, or 63
interfere with or obstruct a blind, deaf or hearing impaired, or 64
mobility impaired person who is being assisted or served by an 65
assistance dog, in a manner that does any of the following: 66

(a) Inhibits or restricts the assisted or served person's 67
control of the dog; 68

(b) Deprives the assisted or served person of control of 69
the dog; 70

(c) Releases the dog from its area of control; 71

(d) Enters the area of control of the dog without the 72

consent of the assisted or served person, including placing food 73
or any other object or substance into that area; 74

(e) Inhibits or restricts the ability of the dog to assist 75
the assisted or served person. 76

(4) Engage in any conduct that is likely to cause serious 77
physical injury or death to an assistance dog; 78

(5) If the person is the owner, keeper, or harbinger of a 79
dog, fail to reasonably restrain the dog from taunting, 80
tormenting, chasing, approaching in a menacing fashion or 81
apparent attitude of attack, or attempting to bite or otherwise 82
endanger an assistance dog that at the time of the conduct is 83
assisting or serving a blind, deaf or hearing impaired, or 84
mobility impaired person or that the person knows is an 85
assistance dog. 86

~~(E)~~(F)(1) Whoever violates division (A) of this section is 87
guilty of assaulting a police dog or horse. Except as otherwise 88
provided in this division, assaulting a police dog or horse is a 89
misdemeanor of the second degree. If the violation results in 90
the death of the police ~~dog or~~ horse, assaulting a police ~~dog or~~ 91
horse is a felony of the third degree. If the violation results 92
in serious physical harm to the police dog or horse other than 93
its death, assaulting a police dog or horse is a felony of the 94
fourth degree. If the violation results in physical harm to the 95
police dog or horse other than death or serious physical harm, 96
assaulting a police dog or horse is a misdemeanor of the first 97
degree. 98

(2) Whoever violates division (B) of this section is 99
guilty of intentionally killing a police dog in the line of 100
duty, a felony of the first degree. 101

(3) Whoever violates division (C) of this section is 102
guilty of harassing a police dog or horse. Except as otherwise 103
provided in this division, harassing a police dog or horse is a 104
misdemeanor of the second degree. If the violation results in 105
the death of the police dog or horse, harassing a police dog or 106
horse is a felony of the third degree. If the violation results 107
in serious physical harm to the police dog or horse, but does 108
not result in its death, harassing a police dog or horse, is a 109
felony of the fourth degree. If the violation results in 110
physical harm to the police dog or horse, but does not result in 111
its death or in serious physical harm to it, harassing a police 112
dog or horse is a misdemeanor of the first degree. 113

~~(3)~~(4) ~~Whoever violates division (C)~~Whoever violates division (D) of this section 114
is guilty of assaulting an assistance dog. Except as otherwise 115
provided in this division, assaulting an assistance dog is a 116
misdemeanor of the second degree. If the violation results in 117
the death of the assistance dog, assaulting an assistance dog is 118
a felony of the third degree. If the violation results in 119
serious physical harm to the assistance dog other than its 120
death, assaulting an assistance dog is a felony of the fourth 121
degree. If the violation results in physical harm to the 122
assistance dog other than death or serious physical harm, 123
assaulting an assistance dog is a misdemeanor of the first 124
degree. 125

~~(4)~~(5) ~~Whoever violates division (D)~~Whoever violates division (E) of this section 126
is guilty of harassing an assistance dog. Except as otherwise 127
provided in this division, harassing an assistance dog is a 128
misdemeanor of the second degree. If the violation results in 129
the death of the assistance dog, harassing an assistance dog is 130
a felony of the third degree. If the violation results in 131
serious physical harm to the assistance dog, but does not result 132

in its death, harassing an assistance dog is a felony of the 133
fourth degree. If the violation results in physical harm to the 134
assistance dog, but does not result in its death or in serious 135
physical harm to it, harassing an assistance dog is a 136
misdemeanor of the first degree. 137

~~(5)~~(6) In addition to any other sanction or penalty 138
imposed for the offense under this section, Chapter 2929., or 139
any other provision of the Revised Code, whoever violates 140
division (A), (B), (C), ~~or (D)~~, or (E) of this section is 141
responsible for the payment of all of the following: 142

(a) Any veterinary bill or bill for medication incurred as 143
a result of the violation by the police department regarding a 144
violation of division (A) ~~or (B)~~, or (C) of this section or by 145
the blind, deaf or hearing impaired, or mobility impaired person 146
assisted or served by the assistance dog regarding a violation 147
of division ~~(C)~~(D) or ~~(D)~~(E) of this section; 148

(b) The cost of any damaged equipment that results from 149
the violation; 150

(c) If the violation did not result in the death of the 151
police dog or horse or the assistance dog that was the subject 152
of the violation and if, as a result of that dog or horse being 153
the subject of the violation, the dog or horse needs further 154
training or retraining to be able to continue in the capacity of 155
a police dog or horse or an assistance dog, the cost of any 156
further training or retraining of that dog or horse by a law 157
enforcement officer or by the blind, deaf or hearing impaired, 158
or mobility impaired person assisted or served by the assistance 159
dog; 160

(d) If the violation resulted in the death of the police 161

dog or horse or the assistance dog that was the subject of the 162
violation or resulted in serious physical harm to that dog or 163
horse to the extent that the dog or horse needs to be replaced 164
on either a temporary or a permanent basis, the cost of 165
replacing that dog or horse and of any further training of a new 166
police dog or horse or a new assistance dog by a law enforcement 167
officer or by the blind, deaf or hearing impaired, or mobility 168
impaired person assisted or served by the assistance dog, which 169
replacement or training is required because of the death of or 170
the serious physical harm to the dog or horse that was the 171
subject of the violation. 172

~~(F)~~ (G) This section does not apply to a licensed 173
veterinarian whose conduct is in accordance with Chapter 4741. 174
of the Revised Code. 175

~~(G)~~ (H) This section only applies to an offender who knows 176
or should know at the time of the violation that the police dog 177
or horse or assistance dog that is the subject of a violation 178
under this section is a police dog or horse or an assistance 179
dog. 180

~~(H)~~ (I) As used in this section: 181

(1) "Physical harm" means any injury, illness, or other 182
physiological impairment, regardless of its gravity or duration. 183

(2) "Police dog" or "police horse" means a dog or horse 184
that has been trained, and may be used, to assist law 185
enforcement officers in the performance of their official 186
duties. 187

(3) "Serious physical harm" means any of the following: 188

(a) Any physical harm that carries a substantial risk of 189
death; 190

(b) Any physical harm that causes permanent maiming or	191
that involves some temporary, substantial maiming;	192
(c) Any physical harm that causes acute pain of a duration	193
that results in substantial suffering.	194
(4) "Assistance dog," "blind," and "mobility impaired	195
person" have the same meanings as in section 955.011 of the	196
Revised Code.	197
Section 2. That existing section 2921.321 of the Revised	198
Code is hereby repealed.	199