

**As Reported by the House State Government Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 447**

**Representatives Schuring, Slesnick**

**Cosponsors: Representatives Hambley, Grossman, Huffman, LaTourette, Perales**

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**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  
enforcement officer in the performance of the officer's official 19  
duties. 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)~~(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)~~(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