

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 568

Representative Yates

—

A B I L L

To amend section 955.11 and to enact section 955.111 1
of the Revised Code to prohibit the owning, 2
keeping, or harboring of pit bull dogs beginning 3
ninety days after the effective date of the act 4
and to require specified officers to seize all pit 5
bull dogs after that date. 6

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

Section 1. That section 955.11 be amended and section 955.111 7
of the Revised Code be enacted to read as follows: 8

Sec. 955.11. (A) As used in this section: 9

(1)(a) "Dangerous dog" means a dog that, without provocation, 10
and subject to division (A)(1)(b) of this section, has chased or 11
approached in either a menacing fashion or an apparent attitude of 12
attack, or has attempted to bite or otherwise endanger any person, 13
while that dog is off the premises of its owner, keeper, or 14
harborer and not under the reasonable control of its owner, 15
keeper, harborer, or some other responsible person, or not 16
physically restrained or confined in a locked pen ~~which~~ that has a 17
top, locked fenced yard, or other locked enclosure ~~which~~ that has 18
a top. 19

(b) "Dangerous dog" does not include a police dog that has 20

chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(4)(a) "Vicious dog" means a dog that, without provocation and subject to division (A)(4)(b) of this section, meets ~~any~~ either of the following:

(i) Has killed or caused serious injury to any person;

(ii) Has caused injury, other than killing or serious injury, to any person, or has killed another dog.

~~(iii) Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of such a breed of dog shall be prima facie evidence of the ownership, keeping, or harboring of a vicious dog.~~

(b) "Vicious dog" does not include either of the following:

(i) A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

(ii) A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner,

keeper, or harborer of the dog. 51

(5) "Without provocation" means that a dog was not teased, 52
tormented, or abused by a person, or that the dog was not coming 53
to the aid or the defense of a person who was not engaged in 54
illegal or criminal activity and who was not using the dog as a 55
means of carrying out such activity. 56

(B) Upon the transfer of ownership of any dog, the seller of 57
the dog shall give the buyer a transfer of ownership certificate 58
that shall be signed by the seller. The certificate shall contain 59
the registration number of the dog, the name of the seller, and a 60
brief description of the dog. Blank forms of the certificate may 61
be obtained from the county auditor. A transfer of ownership shall 62
be recorded by the auditor upon presentation of a transfer of 63
ownership certificate that is signed by the former owner of a dog 64
and that is accompanied by a fee of twenty-five cents. 65

(C) Prior to the transfer of ownership or possession of any 66
dog, upon the buyer's or other transferee's request, the seller or 67
other transferor of the dog shall give to the person a written 68
notice relative to the behavior and propensities of the dog. 69

(D) Within ten days after the transfer of ownership or 70
possession of any dog, if the seller or other transferor of the 71
dog has knowledge that the dog is a dangerous or vicious dog, ~~he~~ 72
the seller or other transferor shall give to the buyer or other 73
transferee, the board of health for the district in which the 74
buyer or other transferee resides, and the dog warden of the 75
county in which the buyer or other transferee resides, a completed 76
copy of a written form on which the seller shall furnish the 77
following information: 78

(1) The name and address of the buyer or other transferee of 79
the dog; 80

(2) The age, sex, color, breed, and current registration 81

number of the dog. 82

In addition, the seller shall answer the following questions, 83
which shall be specifically stated on the form as follows: 84

"Has the dog ever chased or attempted to attack or bite a 85
person? If yes, describe the incident(s) in which the behavior 86
occurred." 87

"Has the dog ever bitten a person? If yes, describe the 88
incident(s) in which the behavior occurred." 89

"Has the dog ever seriously injured or killed a person? If 90
yes, describe the incident(s) in which the behavior occurred." 91

The dog warden of the county in which the seller resides 92
shall furnish the form to the seller at no cost. 93

(E) No seller or other transferor of a dog shall fail to 94
comply with the applicable requirements of divisions (B) to (D) of 95
this section. 96

Sec. 955.111. (A) Beginning ninety days after the effective 97
date of this section, no person shall own, keep, or harbor a dog 98
that belongs to a breed that is commonly known as a pit bull dog. 99

(B) Not later than ninety days after the effective date of 100
this section, a person who owns, keeps, or harbors a pit bull dog 101
on the effective date of this section shall surrender the dog to 102
the dog warden. Not later than ten days after receiving the dog, 103
the dog warden shall euthanize the dog. 104

(C)(1) Beginning ninety days after the effective date of this 105
section, if an officer has probable cause to believe that a dog is 106
a pit bull dog, the officer may apply to a court of competent 107
jurisdiction for a search warrant. The court shall issue a search 108
warrant for the purposes requested if there is probable cause to 109
believe that a dog is a pit bull dog. 110

(2) After obtaining a search warrant, an officer shall seize 111
the pit bull dog and surrender the dog to the dog warden. Not 112
later than ten days after receiving the dog, the dog warden shall 113
 euthanize the dog. 114

(D) As used in this section, "officer" has the same meaning 115
as in section 959.132 of the Revised Code. 116

Section 2. That existing section 955.11 of the Revised Code 117
is hereby repealed. 118