

Safety Committee Minutes

Honorable Council
City of Newark, Ohio
June 16, 2025

The Safety Committee met in Council Chambers on June 16, 2025 following the Finance Committee meeting with these members present:

Mark Labutis, Chair
Bill Cost, Vice Chair
Beth Bline
Michael Houser
Jeff Rath

We wish to report:

Mr. Labutis - This evening we don't have any legislation that we're voting on. We're just learning more about legislation that's happening in the State House. I'd like to invite one of our state representatives, Kevin Miller, to the podium. If you could, state your name and address for the record, and then share with us the legislation you are working on in the House.

State Representative Kevin Miller, 6170 Pleasant Chapel, Newark 43056 - Thanks to the Council for inviting me to come and talk about House Bill 247, better known as Avery's Law, that's making its way through the General Assembly. I guess the easiest way to go about this is just kind of tell you exactly what it does. But before I do that, I guess I'll explain how we got there, or how we got here. So, late last year, early this year, I started having some conversations with the Licking County Dog Warden, who told me that our dangerous and vicious dog laws are just way out of bounds. They are not where they need to be. Additionally, the code section that deals with all, whether it's licensing, all the dog-related issues, is very un-user-friendly. So, the first thing that we do with this legislation is it's actually a rewrite of the entire 955 Ohio Revised Code section. It makes it more user-friendly, makes a bunch of organizational and housekeeping changes in there. And as I said, this is an issue for our dog wardens across the state, and also for our prosecutors. So, I was actually able to engage with the law director and get feedback on the bill as well. So, that's the first thing it addresses. The second thing it does is it allows our dog wardens to immediately seize a dog when there's an incident involving a dangerous or a vicious act. So, we're talking about a serious dog bite. Under current law, unless a dog is already designated as a dangerous or a vicious dog, so they had a previous incident, if they have an incident, the dog warden cannot immediately seize them, because they have to have had a previous incident. So basically, they call this a one free bite. What this bill does is it eliminates that. So, what happens is if there's a significant incident, the dog warden shows up, the dog warden has the ability to immediately seize that dog. Now the important part of the legislation is there is a process put in place, due process for our folks. So, once it's seized, there has to be a probable cause hearing within 10 days. So, we're not just taking people's dogs and making unilateral decisions, there's a process that's put in place for this. The third thing it does is it increases penalties for owners of designated dogs who fail to contain and control their nuisance, dangerous, and vicious dogs. So, what that means is we're talking about the repeat offenders, okay? So, we're talking about folks who have, once again, had those dogs previously designated and they still failed to control those dogs. So, what we've done is we've increased penalties in all those various aspects there. In the most egregious situations, so if there is a death, it increases it from a fourth-degree felony to a third-degree felony. The next thing that we do is we require dogs that cause serious injury, so we're talking about disfigurement, very serious injuries, and or death to be put

down. Under current law, that's authorized permissible by the judge. What this bill does is says, no, if it's determined that they committed that act, the dog will be put down. We have to look out for public safety and these dogs need to be removed from the situation. Some other things that the bill does is it strengthens the requirements for our dangerous and vicious dog owners. So currently the judge can order \$100,000 of liability insurance for these dog owners. My bill takes away that discretion again. It says if you're going to own one of these dogs, one of these designated dogs, you're going to carry insurance in the case that something happens. It also amends the mandatory fencing language. Currently it just says that there has to be a fence. Well, a snow fence for a pit bull probably is not sufficient, so what this does is it says that the fence should be sufficiently constructed to prevent escape. So that gives our dog wardens the ability to say, hey, this is not sufficient. As of right now, as long as there's a fence of any type, they don't have the ability to do that. So, it's empowering them once again. The next thing that it deals with is it adds language to require designated dogs be confined while indoors when there is an invitee or a guest on premises. And where that's different from right now is there are no requirements once the dog is in the house, okay? And that may not necessarily be an issue until the neighbor's kids come over to the house, and that dog is not confined to a room. So, what this bill says is if someone is going to be in the house that's an invitee or a guest, if you will, that dog must be confined. Once again, to protect the public in the houses. We also increase the fees if you're going to have one of these types of dogs. It's currently \$50. We double that. It's going to be \$100. Those fees go directly to fund our dog warden as well, which has additional responsibilities for these dogs. They have to do inspections and things like that, follow up on the licensing. Then the last thing that we have is it requires notification of a dog designation to veterinarians and trainers who might come in contact with one of these dogs. So, for instance, if one of these dogs that was a dangerous or a vicious dog was sent to training someplace, a lot of times training is done with other dogs, and if the owner doesn't tell the trainer that, they don't know that. So perhaps there would be steps that would take place in order to ensure the safety of those other dogs. So, we mandate that that's done as well. So, this bill has had several hearings. We're actually going to drop another sub bill tomorrow on this with some minor changes. We've got support of the Prosecutors Association, the American Kennel Club, Nationwide Children's Hospital, the Ohio Dog Wardens Association, and the Commissioners Association as well. So, a lot of support. As of right now, I don't have any opponents to the bill. So, we're hoping to get it voted out of committee and possibly even on the House floor here before we break. With that being said, I know I rambled on a lot of things, there's actually other things in here as well, but I'd be here all night if I went through everything. I'll ask if there're any questions I might be able to answer?

Mr. Labutis - You did a fine job explaining the legislation. Does the committee have any questions?

Ms. Bline - I do. One of our local loopholes is once a dog has been obtained by animal control, the owner has the ability to bail them out. What happens in that circumstance?

Rep. Miller - Well it would depend on the circumstances, okay? So, if it was just a nuisance, perhaps it was running at large, and there was no bite or anything like that, and they didn't seize it because of a specific instance, I'm assuming, I didn't change the process in that, so the dog would still be released if they paid the fines or whatever that would be. In the case of a serious injury, in or death, or something like that, that dog is held until that probable cause hearing. So, there's a hearing that's mandated, and that dog cannot be released until that time.

Ms. Bline - Now, in terms of injury, you said that serious injury might be designated as disfigurement, something along that line, but if they have lacerations where there's serious blood loss or broken bones, how is that, and even resulting trauma, where the victim has to be in therapy for sometimes years.

Rep. Miller - Great question. It goes specific to the definition. It defines exactly what serious injury is versus just something, like you said, like a dog bite without breaking bones or things like that. Serious physical injury is breaking bones, disfigurement, laceration that requires, I don't want to quote it because I don't have it right in front of me, but there's a defined instance at which it designates.

Mr. Rath - Would you define serious as any dog bite that would be above the shoulders, regardless of the severity?

Rep. Miller - The law does not do that as written. What we try to do is stay within the confines of what we had and address the penalties.

Mr. Rath - Okay, I'd like you to reconsider that. You are saying dangerous and vicious dogs, as if they're synonymous. Are they or are they not, and how do you distinguish between the two?

Rep. Miller - They are not, and I'll give you a list of exactly what determines. A vicious dog is a dog that kills a person, causes serious physical injury, engages in dangerous dog act after designated as a dangerous dog. Now you need to know what a dangerous is to know how it bumps up. So, a dangerous dog causes injury by physical contact. So, in your instance, just a dog bite without serious physical would be a dangerous dog, which is still significant, which requires the insurance, requires the, you know, the additional fencing, things of that nature. So back to dangerous dog, caused injury by physical contact, kills another dog or livestock, or causes serious injury to another dog or livestock. And then the last designation, which is a nuisance dog, causes injury without physical contact, chasing in a menacing fashion or an apparent attitude of attack, attempting to bite any person, chasing, threatening, harassing a dog, livestock, or running at large three different times. Those are the three different types of dog designations under current law.

Ms. Bline - Is there any provision for loss if a person has sustained a loss of their animal or they would have to go through surgery? The animal would have to go through surgery. Is there any compensation that's required from the other dog?

Rep. Miller - Sure. So not in the bill, but it doesn't change what you can do civil. So that would typically be a civil action that the person would file against the dog owner.

Mr. Rath - Are there any provisions addressing the quantity of dangerous or vicious dogs within a household?

Rep. Miller - No, there are not. There are not.

Mr. Rath - Okay, I know in the past, before we changed a lot of stuff at Newark, there was a limit to one vicious dog per household.

Rep. Miller - So, to clarify, what I'm doing is the revised code on the state level, with home rule, the council would...

Mr. Rath - I'm not trying to compare. I understand that. I'm just maybe suggesting you might want to consider that. And then, do you have any provisions for dogs that may have caused injury or harm in the process of protecting residences, people, livestock, things of that nature?

Rep. Miller - Good question. So, there are provisions in the bill that carve that out. So, what you have to show is that, as a matter of fact, we clarified in several sections saying it's in an apparent and aggressive attack mode for them. That all deals with being provoked and or protecting. That would be an unprovoked. If someone trespasses, then the dog bites because there's a trespasser, those are the things that they would consider, the trier of fact would consider, and that would be an exception.

Mr. Cost - Should I assume there's no breed... it's all breeds of dogs?

Rep. Miller - Correct. The legislation is not breed specific. My understanding is several years back there was legislation that was breed specific, and I believe it was ruled unconstitutional, which is why it was then changed back to address behavior as opposed to a specific breed.

Mr. Marmie - One of the biggest, I want to say, obstacles has been enforcement. Who's going to enforce it? Who's going to make sure that they have the insurance? Who's going to make sure of this or that? I know that our animal control, they're taxed very heavy. So, how have we addressed the enforcement issue of this to make sure that we increase and make sure that we actually follow up those things? The insurance has been the biggest one.

Rep. Miller - So, the way the bill is written, it still leaves all enforcement to either the dog warden or in some cases in some counties. So, the way it works across the state of Ohio, as far as who enforces these laws, is it first goes to the commissioners to designate or appoint a dog warden. If the commissioners don't want to appoint a dog warden, it falls back on the sheriff's office, who then is essentially tasked with enforcing these laws. So, it varies among counties. Most counties actually have dog wardens. I think there's actually only like four where the sheriff's office does that. But it falls back on them. Now, what I will say is in there's some areas, and this isn't a dig at the dog wardens, but there're some counties where they weren't responding to these types of issues and incidents appropriately, I guess you might say. So, we actually put a provision in here where the dog warden can be held responsible. It's a minor misdemeanor. But if they fail to enforce the sections of this law, it's a minor misdemeanor.

Mr. Houser - Did you adjust some of the licensing fees to give additional revenue to potentially fund the dog ward departments? Is that right?

Rep. Miller - We increased for the dangerous dog. That doubled. So, in that, the designations vary on counties. Some counties are more active with that, and it all surrounds about whether dog bites are reported. A lot of dog bites are not reported, and that's an issue. I will tell you, I met with Nationwide Children's, and we want to talk about how big of an issue this is. It's a huge issue. Just at Nationwide, they handle over 400 dog bites a year, just in Columbus. So, it's a huge issue that needs to be addressed.

Mr. Labutis - One final question. So, it's currently in committee, correct?

Rep. Miller - Yes, sir.

Mr. Labutis - So, what is the timeline if it gets out of committee to go on to the state?

Rep. Miller - So, if it gets out of committee tomorrow, I'd like to see it on the floor on Wednesday. That would be nice. At that point it would go over to the Senate. There's a companion bill that has been introduced over there. It's had sponsor testimony. Essentially, he's announced and its public that he said my bill is going to be the vehicle. So essentially once it goes to the Senate then we kind of go through the same process again. The Senate may have their spin or their tweaks or the things that they may want to do to it. If they make some changes, it will then come back to the House for a concurrent vote and then hopefully it'll get signed by the governor. So, I say all that to say I would like to see this across the finish line by the end of the year.

Mr. Labutis - If anyone has any questions beyond this evening or comments, how can they get in touch?

Rep. Miller - Yes, so a couple things. They can email. Probably the best way is to email my office. It's rep69@OhioHouse.gov, or they can call my office at 614-466-2500.

Mr. Labutis - Thank you so much for coming in this evening. I appreciate you coming in and sharing with us.

Safety Committee stands adjourned

Mark Labutis, Chair