



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 22

129th General Assembly
(As Introduced)

Rep. Bubp

BILL SUMMARY

- Prohibits the owner or keeper of bison, llamas, or alpacas from permitting them to run at large in specified public thoroughfares or on unenclosed land or causing them to be kept for grazing on another's premises.
- Removes an existing provision stating that the running at large of any of specified animals is prima facie evidence of a violation of the prohibition against allowing the animals to run at large in specified public thoroughfares or on unenclosed land or causing them to be kept for grazing on another's premises.
- Requires the owner or keeper of any of specified animals (see the following dot points) to have acted negligently in order to be liable for damages caused by the animal on another's premises.
- Eliminates the criminal penalty for a violation of the statute prohibiting the owner or keeper of a stallion, jackass, bull, boar, ram, or buck from allowing it to be at large out of its own enclosure.
- Specifically states that recklessness is the required culpable mental state for a violation of the prohibition against the owner or keeper of horses, mules, cattle, bison, sheep, goats, swine, llamas, alpacas, or geese allowing them to run at large in specified public thoroughfares or on unenclosed land or causing them to be kept for grazing on another's premises.

CONTENT AND OPERATION

The bill adds bison, llamas, and alpacas to the list of animals under current law's prohibition against a person, who is the owner or keeper of horses, mules, cattle, sheep, goats, swine, or geese, permitting them to run at large in the public road, highway,

street, lane, or alley, or on unenclosed land, or causing them to be herded, kept, or detained for the purpose of grazing on premises other than those owned or lawfully occupied by the owner or keeper of the animals. The bill removes the provision in current law that the running at large of any such animal in or on any of the places specified above is prima facie evidence that it is running at large in violation of the above prohibition.¹

Current law states that the owner or keeper of an animal who permits it to run at large in violation of current law as discussed above, or of a stallion, jackass, bull, boar, ram, or buck who permits it to go or be at large outside of its own enclosure, is liable for all damages caused by the animal on the premises of another without reference to the fence that may enclose the premises.² Additionally, any person who violates either of the prohibitions regarding animals running at large is guilty of a misdemeanor of the fourth degree.³

The bill makes the following changes in those provisions:⁴

(1) It requires the owner or keeper of an animal to have acted *negligently* in order to be liable for damages caused by the animal on another's premises without reference to the fence that may enclose the premises.

(2) It eliminates the criminal penalty for a violation of the statute prohibiting the owner or keeper of a stallion, jackass, bull, boar, ram, or buck from allowing it to be at large out of its own enclosure.

(3) It specifically states that *recklessness* is the required culpable mental state for a violation of the statute prohibiting the owner or keeper of horses, mules, cattle, bison, sheep, goats, swine, llamas, alpacas, or geese from allowing them to run at large in specified public thoroughfares or on unenclosed land or causing them to be kept for grazing on another's premises.

HISTORY

ACTION

DATE

Introduced

01-13-11

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¹ R.C. 951.02.

² R.C. 951.01, not in the bill, and 951.10.

³ R.C. 951.99.

⁴ R.C. 951.10 and 951.99.

