

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 343

Senator Williams

A BILL

To amend sections 959.133 and 2151.88 of the
Revised Code to grant a person immunity from
prosecution for any damage resulting from the
forcible entry of a motor vehicle for the
purpose of removing a minor or an animal from
the vehicle because the minor or animal is in
imminent danger of suffering harm.

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

Section 1. That sections 959.133 and 2151.88 of the
Revised Code be amended to read as follows:

Sec. 959.133. (A) Except as provided in division (C) of
this section, a person shall be immune from civil or criminal
liability for any damage resulting from the forcible entry of a
motor vehicle for the purpose of removing an animal from the
vehicle if the person does all of the following:

(1) Determines the vehicle is locked or there is otherwise
no reasonable method for the animal to exit the vehicle.

(2) Has a good faith belief that forcible entry into the
vehicle is necessary because the animal is in imminent danger of
suffering harm if not immediately removed from the vehicle and,

based upon the circumstances known to the person at the time, 20
the belief is a reasonable one. 21

(3) Has made a good faith effort to contact the local law 22
enforcement agency, the fire department, or a 9-1-1 operator 23
prior to forcibly entering the vehicle. If contact is not 24
possible prior to forcibly entering the vehicle, the person 25
shall make contact as soon as possible after forcibly entering 26
the vehicle. 27

(4) Makes a good faith effort to place a notice on the 28
vehicle's windshield with the person's contact information, the 29
reason the entry was made, the location of the animal, and the 30
fact that the authorities have been notified. 31

(5) Remains with the animal in a safe location until law 32
enforcement or emergency responders arrive. 33

(6) Used not more force to enter the vehicle and remove 34
the animal from the vehicle than was necessary under the 35
circumstances. 36

(B) Nothing in this section shall affect the person's 37
civil or criminal liability if the person attempts to render aid 38
to the animal in addition to what is authorized by this section. 39

(C) A person shall not be immune from civil liability or 40
criminal prosecution for any damage resulting from the forcible 41
entry of a motor vehicle for the purpose of removing an animal 42
from the vehicle if the person's actions constitute recklessness 43
or willful or wanton misconduct with regard to the forcible 44
entry of the motor vehicle. 45

(D) As used in this section, "harm" means injury or death. 46

Sec. 2151.88. (A) Except as provided in division (C) of 47

this section, a person shall be immune from civil or criminal 48
liability for any damage resulting from the forcible entry of a 49
motor vehicle for the purpose of removing a minor from the 50
vehicle if the person does all of the following: 51

(1) Determines the vehicle is locked or there is otherwise 52
no reasonable method for the minor to exit the vehicle. 53

(2) Has a good faith belief that forcible entry into the 54
vehicle is necessary because the minor is in imminent danger of 55
suffering harm if not immediately removed from the vehicle and, 56
based upon the circumstances known to the person at the time, 57
the belief is a reasonable one. 58

(3) Has made a good faith effort to contact the local law 59
enforcement agency, the fire department, or a 9-1-1 operator 60
prior to forcibly entering the vehicle. If contact is not 61
possible prior to forcibly entering the vehicle, the person 62
shall make contact as soon as possible after forcibly entering 63
the vehicle. 64

(4) Makes a good faith effort to place a notice on the 65
vehicle's windshield with the person's contact information, the 66
reason the entry was made, the location of the minor, and the 67
fact that the authorities have been notified. 68

(5) Remains with the minor in a safe location until law 69
enforcement or emergency responders arrive. 70

(6) Used not more force to enter the vehicle and remove 71
the minor from the vehicle than was necessary under the 72
circumstances. 73

(B) Nothing in this section shall affect the person's 74
civil or criminal liability if the person attempts to render aid 75
to the minor in addition to what is authorized by this section. 76

(C) A person shall not be immune from civil liability or 77
criminal prosecution for any damage resulting from the forcible 78
entry of a motor vehicle for the purpose of removing a minor 79
from the vehicle if the person's actions constitute recklessness 80
or willful or wanton misconduct with regard to the forcible 81
entry of the motor vehicle. 82

(D) As used in this section, "harm" means injury or death. 83

Section 2. That existing sections 959.133 and 2151.88 of 84
the Revised Code are hereby repealed. 85