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Bill Analysis

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Primary Sponsor: Rep. K. Miller

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SUMMARY

Nuisance, dangerous, and vicious dog acts

- Redefines what constitutes a nuisance, dangerous, and vicious dog.

Penalties for dog attacks

- Imposes criminal penalties on a dog owner if the dog owner negligently fails to keep their dog from committing, without provocation, a “nuisance dog act,” “dangerous dog act,” or “vicious dog act,” including in circumstances in which the dog has not previously engaged in such an act.
- Allows a court, as part of the criminal proceeding, to order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the dog owner’s expense.
- However, if the dog seriously injures or kills a person, requires the court to order the dog to be humanely destroyed.

Dog designation hearing

- Restructures the existing dog designation hearing procedure, including making changes to all of the following:
 - How a hearing is initiated;
 - Which court has jurisdiction over the hearing;
 - The timeline for which a hearing must be conducted;
 - What evidence constitutes probable cause;
 - When a dog owner may retain possession of the dog during the pendency of a hearing and any appeal; and

- The court's authority over the dog's disposition.
- Requires a court, after a dog designation hearing, to order a dog to be humanely destroyed if the court finds that the dog, without provocation, committed a vicious dog act that resulted in serious injury or death of a person.
- Specifies that a dog designation hearing may be conducted regarding a dog even if there are no criminal charges brought against the dog's owner for a dog attack.

Dogs running at large

- Retains the prohibition against a dog running at large, but increases certain penalties when the dog running at large has been previously designated a dangerous or vicious dog.

Dog warden provisions

- Clarifies that dog wardens have the authority to make arrests and enforce all of Ohio's Dog Law.
- Requires a dog warden who has reason to believe that a dog is being treated inhumanely to notify, in writing, the humane society or appropriate law enforcement authority that has jurisdiction to enforce Ohio's animal cruelty laws, instead of applying to the court for an order to seize the dog.

Requirements for vicious and dangerous dog owners

- Modifies certain requirements that pertain to vicious and dangerous dog owners by doing all of the following:
 - Eliminating the ability for a dangerous or vicious dog to legally engage in hunting activity.
 - Requiring any fencing used by a dog owner to confine a vicious or dangerous dog to be sufficiently constructed to prevent escape.
 - Clarifying that a person who is convicted of or pleads guilty to a felony offense of violence or certain animal cruelty offenses, but who is not incarcerated, cannot knowingly own or reside with certain types of dogs beginning on the date that the person plead guilty to or was convicted of the offense.
 - Requiring a vicious or dangerous dog owner to register the dog as a dangerous dog with the dog warden instead of the county auditor, but retains the requirement that the owner also register the dog with the county auditor and receive a regular dog tag.

Dog complaint notification procedures

- Requires any authorized person to investigate any complaint that indicates a possible violation of any provision of the Dog Law.
- Requires the authorized person, after conducting an investigation and if the person does not cite or charge the person, to notify the dog's owner that there has been a complaint regarding the dog and that the authorized person investigated a possible violation.

- Requires the authorized person to post the notice on the door of the dwelling at which the dog resides within 24 hours after the conclusion of the investigation.

Recodification, reorganization, and miscellaneous changes to the Dog Law

- Reorganizes and moves the codified location of various R.C. Chapter 955 provisions, including provisions governing criminal penalties.
- Repeals provisions that allow a livestock owner to make a claim for reimbursement of the value of their animal from the Department of Agriculture if the animal is injured or killed by a coyote or black vulture.
- Repeals a prohibition against a dog owner from allowing a female dog to go beyond the premises of the dog owner at any time the dog is in heat unless the dog is properly on a leash.

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DETAILED ANALYSIS

Dog law changes

Background and overview

Under current law, if a dog injures, seriously injures, or kills a person, and the dog has not previously committed such an act, there is no process by which a court is required or authorized to order the dog to be humanely destroyed. The only ramifications for the dog's act are as follows:

1. The dog's owner, keeper, or harbinger (hereinafter "dog owner") may be criminally charged for failing to keep the dog under reasonable control of a person (more commonly known as "allowing the dog to run at large"); or¹
2. The dog warden or other person who has authority to enforce the Dog Law (hereinafter "authorized person") may designate the dog as a dangerous or vicious dog, provided that the dog was not provoked when it injured, seriously injured, or killed the person.

If a dog owner does not agree with the designation, the owner may request a municipal court or county court with jurisdiction over the owner's residence to hold a dog designation hearing. After the hearing, if the dog is designated as a dangerous or vicious dog, heightened penalties apply if the dog is found running at large, including if the dog causes injury.

There are only a few instances in current law in which a court may order a dog to be humanely destroyed . These instances are as follows:

1. A dog that has already been designated as a dangerous dog is found running at large or is not securely confined in accordance with dangerous dog secure confinement requirements. The court then has discretion to order the dog to be humanely destroyed.²
2. A dog that has already been designated as a vicious dog causes serious injury to a person while running at large. The court then has discretion to order the dog to be humanely destroyed.
3. A dog that has already been designated as a vicious dog kills a person while running at large. The court is then mandated to order the dog to be humanely destroyed.³

The bill changes the penalties and procedures for addressing dogs that injure or kill a person or other dogs or livestock. Notably, if a dog kills or seriously injures a person, without provocation, a court *must* order the dog to be humanely destroyed, regardless of whether the dog has previously engaged in a nuisance, dangerous, or vicious dog act. The changes to Ohio's Dog Law made by the bill also include:

- Establishing criminal penalties if a dog owner negligently fails to prevent their dog from, without provocation, engaging in a nuisance, dangerous, or vicious dog act;
- Requiring a court to order the humane destruction of a dog that, without provocation, seriously injures or kills a person, regardless of whether the dog owner is charged with a crime;
- Modifying the criminal penalties for allowing a dangerous or vicious dog to run at large;
- Modifying requirements that apply to owners of dangerous and vicious dogs that are not ordered to be humanely destroyed; and

¹ R.C. 955.22(C).

² See R.C. 955.99(G), repealed.

³ See R.C. 955.99(H)(1), repealed.

- Modifying certain requirements that apply to dog wardens.

The following analysis describes in greater detail each change made to the Dog Law, including the prohibitions and penalties discussed above.

Nuisance, dangerous, and vicious dog acts

The bill redefines what constitutes a nuisance, dangerous, and vicious dog as follows:

Definitions of nuisance, dangerous, and vicious dog		
Type of dog	Current law ⁴	H.B. 247 ⁵
Nuisance	A dog that, without provocation and while off the premises of its owner, keeper, or harborer has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.	<p>A dog that has been designated at a dog designation hearing as a nuisance dog or a dog that has previously engaged in a nuisance dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous nuisance dog act.</p> <p>A court must designate a dog as a nuisance dog if there is probable cause to find that the dog, without provocation, has committed one of the following nuisance dog acts:</p> <ol style="list-style-type: none"> 1. Chased or approached a person in either a menacing fashion or an apparent attitude of attack; 2. Attempted to bite or otherwise endangered any person; 3. Caused injury without making physical contact; 4. Chased, threatened, harassed, or injured another dog or livestock; 5. Has been the subject of a third or subsequent violation of running at large (without causing any injury or harm) (note – under current law, if a dog is the subject of a third or subsequent

⁴ R.C. 955.11. Under both current law and the bill, a police dog that is on duty is exempt from being designated a nuisance, dangerous, or vicious dog.

⁵ R.C. 955.01, 955.22, and 955.23.

Definitions of nuisance, dangerous, and vicious dog		
Type of dog	Current law ⁴	H.B. 247 ⁵
		running at large violation, it is a dangerous dog).
Dangerous	<p>A dog that, without provocation, has done one of the following:</p> <ol style="list-style-type: none"> 1. Caused injury, other than killing or serious injury, to any person; 2. Killed another dog; or 3. Been the subject of a third or subsequent violation of running at large (without causing any injury or harm). 	<p>A dog that has been designated at a dog designation hearing as a dangerous dog or a dog that has previously engaged in a dangerous dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous dangerous dog act.</p> <p>A court must designate a dog as a dangerous dog if there is probable cause to find that the dog, without provocation, has committed one of the following dangerous dog acts:</p> <ol style="list-style-type: none"> 1. Caused injury by physical contact, other than killing or serious injury, to any person; 2. Killed another dog or livestock; 3. Caused serious injury to another dog or livestock that results in euthanasia of the animal by a person authorized to perform euthanasia under Ohio law.
Vicious	<p>A dog that, without provocation, has killed or caused serious injury to any person.</p>	<p>A dog that has been designated at a dog designation hearing as a vicious dog or a dog that has previously engaged in a vicious dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous vicious dog act.</p> <p>A court must designate a dog as a vicious dog if there is probable cause to find that the dog, without provocation, has committed one of the following vicious dog acts:</p> <ol style="list-style-type: none"> 1. Killed any person; 2. Caused serious injury to any person by physical contact;

Definitions of nuisance, dangerous, and vicious dog		
Type of dog	Current law ⁴	H.B. 247 ⁵
		3. Engaged in a dangerous dog act after the dog has been designated as a dangerous dog by a court.

Criminal penalties for dog attacks

The bill imposes the following criminal penalties on a dog owner if the dog owner negligently fails to keep their dog from committing, without provocation, a “nuisance dog act,” “dangerous dog act,” or “vicious dog act,” including in circumstances in which the dog has not previously engaged in such an act:⁶

Nuisance dog act

- A minor misdemeanor on a first offense and a fourth degree misdemeanor on each subsequent offense if a dog owner negligently fails to prevent the dog from committing a nuisance dog act.

Dangerous dog act

- A fourth degree misdemeanor on a first offense and a third degree misdemeanor on each subsequent offense if the dog owner negligently fails to prevent the dog from committing a dangerous dog act.
- A fifth degree felony if the dog owner negligently fails to prevent the dog from committing a dangerous dog act, the dog is a dangerous or vicious dog (meaning it has previously committed an act to warrant such designation), and the dangerous dog act injures a person.

Vicious dog act

- A third degree misdemeanor on a first offense and a second degree misdemeanor on each subsequent offense if the dog owner negligently fails to prevent the dog from committing a vicious dog act.
- A third degree felony if the dog owner negligently fails to prevent the dog from committing a vicious dog act, the dog is a dangerous or vicious dog (meaning it has previously committed an act to warrant such designation), and the vicious dog act seriously injures or kills a person.

The bill allows a court, as part of the criminal proceeding, to order the dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at

⁶ R.C. 955.22.

the dog owner's expense. However, *if the dog seriously injures or kills a person*, it requires the court to order the dog to be humanely destroyed.

As mentioned above, under current law, there are only limited circumstances in which an injury or death caused by a dog is taken into account in terms of penalizing the dog owner or the dog. Specifically, when a dog has already been designated a vicious dog and the dog owner pleads guilty to or is convicted of allowing their vicious dog to run at large, the dog owner is guilty of one of the following:

1. A fourth degree felony if the dog kills a person. Additionally, the court must order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.
2. A first degree misdemeanor if the dog causes serious injury to a person. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

If the court does not order the vicious dog to be destroyed under (2) above, current law requires the court to issue an order that specifies that the dog owner must comply with standards regarding keeping a dangerous dog securely confined. Furthermore, the court must order the dog owner to register the dog as a dangerous dog (however, the dog owner should already be adhering to those requirements since the dog was previously designated as a vicious dog). Finally, the court must order the offender to obtain at least \$100,000 in liability insurance regarding the dog. Until the court makes a final determination and during the pendency of any appeal and at the discretion of the dog warden, the dog must be confined or restrained in accordance with current law's dangerous dog secure confinement requirements or at the county dog pound at the owner's expense.⁷

Dog designation hearing

The bill restructures the existing dog designation hearing procedure, at which a court determines whether to designate a dog as a nuisance, dangerous, or vicious dog.

The new procedures under the bill are listed in detail in the table below. The table includes a comparison of the new procedures to those in current law.

⁷ R.C. 955.99(H), repealed.

Dog designation hearing		
Topic	Current law ⁸	H.B. 247 ⁹
Initiating a proceeding	<p>Under current law, if an authorized person has reasonable cause to believe that a dog in the person's jurisdiction is a nuisance dog, dangerous dog, or vicious dog, the authorized person must notify the dog's owner, by certified mail or in person, of both of the following:</p> <ol style="list-style-type: none"> 1. That the authorized person has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable; and 2. That the dog owner may request a hearing regarding the designation. <p>The authorized person must include filing instructions in the notice.</p>	<p>Regarding a vicious or dangerous dog act, the bill requires an authorized person who has probable cause that a dog has committed a dangerous or vicious dog act to petition the appropriate municipal or county court to hold a dog designation hearing regarding the dog.</p> <p>However, regarding a nuisance dog act, it authorizes, but does not require, an authorized person to petition the court if there is probable cause that a dog has committed a nuisance dog act.</p>
Jurisdiction	The municipal court or county court that has territorial jurisdiction over the dog owner's residence has jurisdiction over a dog designation hearing.	The municipal or county court that has jurisdiction <i>over the location of the alleged incident</i> that gave rise to the designation hearing must conduct the hearing.
Hearing timeline	If the dog owner disagrees with the designation, the dog owner, within ten days of receiving the designation notice, may file a written request for a dog designation hearing with the court. Current law does not specify how long the court has to conduct the hearing once the dog owner requests it.	Once an authorized person petitions the court for a dog designation hearing, the court must hold the hearing within ten days of receiving the petition. At the conclusion of the hearing, the court must issue a final determination concerning whether the dog must be designated a nuisance, dangerous, or vicious dog.

⁸ R.C. 955.23.

⁹ R.C. 955.23.

Dog designation hearing		
Topic	Current law ⁸	H.B. 247 ⁹
Evidence	At the hearing, the authorized person has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog.	<p>Similar to current law, at the hearing, the authorized person has the burden of proving, by clear and convincing evidence, that the dog committed a nuisance dog act, dangerous dog act, or vicious dog act.</p> <p>However, under the bill, probable cause (which is needed by an authorized person before petitioning for a hearing) may be supported by one or more written statements of a witness describing the incident or incidents in which the witness saw the dog engage in a nuisance dog act, a dangerous dog act, or a vicious dog act.</p>
Appeals	The dog owner or the authorized person who designated the dog may appeal the court's final determination as in any other case filed in that court.	Like current law, the dog owner or the authorized person who petitioned the court may appeal the court's final determination as in any other case filed in that court.
Dog possession during the pendency of the hearing and any appeal	If the dog owner or the owner's attorney makes a motion for the dog to be held in the possession of the dog owner during the pendency of the hearing and any appeal, the court may grant the order. However, during that time, the dog must be confined or restrained in accordance with current law's secure confinement requirements that pertain to dangerous dogs (regardless of whether the dog has been designated as a vicious dog or a nuisance dog). The dog owner does not have to comply with any other requirements established in Ohio law that concern a designated dog until the court makes a final determination and during the pendency of any appeal.	<p>If the dog warden determines that it is safe to have the dog remain in the custody of the dog's owner, the dog must be held in possession of the owner during the pendency of the hearing and any appeal. Like current law, during that time, the dog must be confined or restrained in accordance with current law's secure confinement requirements that pertain to dangerous dogs (regardless of whether the dog has committed a vicious dog act or a nuisance dog act). The dog owner does not have to comply with any other requirements established in Ohio law that concern a designated dog until the court makes a final determination and during the pendency of any appeal.</p> <p>However, if the dog warden determines that it is not safe to have the dog remain in the custody of the dog's</p>

Dog designation hearing		
Topic	Current law ⁸	H.B. 247 ⁹
		<p>owner after the commission of the alleged act and during the pendency of a court's determination or appeal, the dog must be held in the custody of the dog warden.</p> <p>While the dog is being so held, the cost of holding the dog is the responsibility of the dog's owner unless the court does not determine that the dog be designated as a nuisance, dangerous, or vicious dog.</p>
Dangerous and vicious dog requirements and prohibitions after designation – references in law	If a dog is finally determined at the hearing, or on appeal, to be a vicious dog, then all requirements that apply to dangerous dogs, such as the secure confinement requirements, the prohibition against owning a dangerous dog if the owner has been convicted of certain violent felony offenses, and dangerous dog registration requirements apply with respect to the dog and the dog's owner, as if the dog were a dangerous dog. As part of the order, the court must require the dog owner to obtain at least \$100,000 in liability insurance.	The bill removes references that require a vicious dog to comply with dangerous dog requirements. Instead, it incorporates vicious dogs into the requirement provisions. ¹⁰
Dog disposition after a hearing	Current law does not allow a court to order the humane destruction of a dog at a dog designation hearing (even if the dog caused serious injury or death to a person). As indicated above, only if the dog is already designated as a dangerous or vicious dog and is subsequently found running at large is	The bill allows a court, as part of the dog designation hearing, to order the dog that committed the nuisance, dangerous, or vicious dog act to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the dog owner's expense.

¹⁰ R.C. 955.02 (dangerous and vicious dog registration and tag requirements); 955.11 (dangerous and vicious dog transfer of ownership requirements); 955.24 (dangerous and vicious dog secure confinement requirements, liability insurance requirements, and prohibition against debarking); and 955.54 (prohibition against a person who has been convicted of a violent felony from owning a dangerous or vicious dog).

Dog designation hearing		
Topic	Current law ⁸	H.B. 247 ⁹
	the court authorized (or required) to order the dog to be humanely destroyed.	However, if the dog seriously injures or kills a person, it requires the court to order the dog to be humanely destroyed.

The bill also requires the court to conduct a dog designation hearing concurrently with a criminal proceeding if the dog that is the subject of a hearing is also the subject of a criminal proceeding for a dog attack (see “**Criminal penalties for dog attacks**,” above).¹¹ However, a dog designation hearing may be conducted regarding a dog even if there are no criminal charges brought against a dog owner for a dog attack. Thus, for example, if a dog seriously injures a person, but no criminal charges are brought against the dog owner for the dog attack, the dog warden may still petition the court to have the dog designated a vicious dog. If the court designates the dog as a vicious dog because it caused serious injury to a person, it must then order the dog to be humanely destroyed.

Dogs running at large

As described above, current law prohibits a dog owner from allowing their dog to run at large by either failing to keep their dog physically confined or restrained upon the premises of the dog owner by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape *or* by failing to keep their dog under the reasonable control of some person.

The bill retains the prohibition against a dog running at large, but increases the penalties associated with a dog running at large that does not cause any injury or death, as follows:

- Increases, from a fourth degree misdemeanor to a third degree misdemeanor on a first offense and from a third degree misdemeanor to a second degree misdemeanor on each subsequent offense, the penalty associated with a person who recklessly allows their dangerous dog to run at large.
- Imposes a penalty of a second degree misdemeanor on a first offense and a first degree misdemeanor on each subsequent offense on a person who recklessly allows their vicious dog to run at large, and eliminates the requirement that the vicious dog cause serious injury or death in order for the heightened penalty to apply.¹²

Dog warden provisions

The bill clarifies that dog wardens have the authority to make arrests and enforce all of Ohio’s Dog Law rather than only specified provisions of that law as in current law. In addition, it requires a dog warden who has reason to believe that a dog is being treated inhumanely to notify,

¹¹ R.C. 955.23(G).

¹² R.C. 955.21; R.C. 955.22, repealed and reenacted; R.C. 955.99(G), repealed.

in writing, the humane society or appropriate law enforcement authority that has jurisdiction to enforce Ohio's animal cruelty laws. Under current law, dog wardens must apply to the court for an order to seize the dog. Thus, the bill eliminates a dog warden's responsibility to investigate acts of cruelty against a dog.¹³

Requirements for vicious and dangerous dog owners

The bill modifies certain requirements that pertain to vicious and dangerous dog owners as follows:

- It eliminates the ability for a dangerous or vicious dog to legally engage in a hunting activity.¹⁴
- It requires any fencing used by a dog owner to confine a vicious or dangerous dog to be sufficiently constructed to prevent escape.¹⁵
- It clarifies that a person who is convicted of or pleads guilty to a felony offense of violence or certain animal cruelty offenses, but who is not incarcerated, cannot knowingly own or reside with certain types of dogs beginning on the date that the person plead guilty to or was convicted of the offense rather than on the date of the person's final release from any other sanctions imposed for the offense.¹⁶
- It requires a vicious or dangerous dog owner to register the dog as a dangerous dog with the dog warden instead of the county auditor. However, the dog owner must complete a normal dog registration with the county auditor and receive a regular dog tag in addition to registering the dog as a dangerous dog with the dog warden.¹⁷

Dog complaint notification procedures

The bill requires any authorized person to investigate any complaint that indicates a possible violation of the Dog Law. If, after investigating an alleged violation, the authorized person does not cite the person for or charge the person with a violation, the authorized person must notify the dog's owner that there has been a complaint regarding the dog and that the authorized person investigated a possible violation.

The bill requires the notice to specify both of the following:

1. A citation to the provision or provisions of law that govern the alleged violations; and
2. Contact information for the authorized person.

¹³ R.C. 955.12.

¹⁴ R.C. 955.24(A).

¹⁵ R.C. 955.24(A)(2)(a).

¹⁶ R.C. 955.54.

¹⁷ R.C. 955.02(C) and (D).

Under the bill, the authorized person must post the notice on the door of the dwelling at which the dog resides within 24 hours after the conclusion of the investigation.¹⁸

Recodification, reorganization, and miscellaneous changes to the Dog Law

The bill reorganizes and moves the codified location of various R.C. Chapter 955 provisions, including provisions governing criminal penalties.¹⁹

It also repeals both of the following:

1. Unfunded provisions of the Dog Law that allow a livestock owner to make a claim for reimbursement of the value of the owner's animal from the Department of Agriculture if the animal is injured or killed by a coyote or black vulture.²⁰
2. A prohibition against a dog owner from allowing a female dog to go beyond the premises of the dog owner at any time the dog is in heat unless the dog is properly on a leash.²¹ However, under the bill, if a person allows an undesignated female dog that is in heat to run at large, the penalty is the same for violating the running at large prohibition.

HISTORY

Action	Date
Introduced	04-29-25

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¹⁸ R.C. 955.60.

¹⁹ R.C. 955.99, repealed; and recodification of the majority of R.C. Chapter 955.

²⁰ R.C. 955.51 to 955.52, repealed.

²¹ R.C. 955.22(B) and 955.99(E)(1), repealed.