

VICIOUS DOGS (Sears, B.)

To remove pit bulls from the definition of "vicious dog" in state law.
This Act had been signed by the Governor. Page numbers will not correspond with the final printed version, but the languages remain the same.

Passed : January 31,2012

Signed by the Governor: February 21, 2012

Effective: May 22, 2012

129th General Assembly
Substitute House Bill Number 14

An Act

Representatives: Sears, Winburn, Garland, Bubp, Duffey, Gardner, Szollosi,
Wachtmann Speaker Batchelder

Senators: Wagoner, LaRose, Coley, Jordan, Seitz

A BILL

To amend sections 955.08, 955.11, 955.22, 955.99,	1
1901.18, and 1907.031 and to enact sections	2
955.222 and 955.54 of the Revised Code to remove	3
pit bulls from the definition of "vicious dog" in	4
state law, to establish a process by which owners,	5
keepers, or harborers of dogs that have been	6
designated as nuisance, dangerous, or vicious may	7
appeal that designation, to define a "nuisance	8
dog," to change the definitions of a "dangerous	9
dog" and a "vicious dog," to require the owner of	10
a dangerous dog to obtain a dangerous dog	11
registration certificate, to prohibit certain	12
felons from owning dogs under certain conditions,	13
and to change the penalties involving ownership of	14

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

Section 1. That sections 955.08, 955.11, 955.22, 955.99, 1901.18, and 1907.031 be amended and sections 955.222 and 955.54 of the Revised Code be enacted to read as follows:

Sec. 955.08. In addition to the certificate of registration provided for by section 955.07 of the Revised Code, the county auditor shall issue to every person making application for the registration of a dog and paying the required fee therefor a metal tag for each dog so registered. The form, character, and lettering of the tag shall be prescribed by the county auditor. Each year the tag shall be a color distinctive from that of the previous year. If a tag is lost, a duplicate shall be furnished by the auditor upon proper proof of loss and the payment of ~~twenty-five cents~~five dollars for each duplicate tag issued or payment of an alternate fee for a duplicate tag, which the board of county commissioners may establish in an amount not to exceed one dollar and fifty cents.

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

(1)(a) "Dangerous dog" means a dog that, without provocation, and subject to division (A)(1)(b) of this section, has ~~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 that dog is off the premises of its owner, keeper, or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a topdone any of the following:

(i) Caused injury, other than killing or serious injury, to any person;

(ii) <u>Killed another dog;</u>	45
(iii) <u>Been the subject of a third or subsequent violation of division (C) of section 955.22 of the Revised Code.</u>	46 47
(b) "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person <u>caused injury, other than killing or serious injury, to any person or has killed another dog</u> while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.	48 49 50 51 52 53 54
(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.	55 56 57
(3)(a) <u>Subject to division (A)(3)(b) of this section, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harbinger 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.</u>	58 59 60 61 62 63
(b) <u>"Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties 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.</u>	64 65 66 67 68
(4) "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.	69 70 71
(4)(5) <u>"Serious injury" means any of the following:</u>	72
(a) <u>Any physical harm that carries a substantial risk of death;</u>	73 74

<u>(b) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;</u>	75 76
<u>(c) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;</u>	77 78
<u>(d) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.</u>	79 80 81
<u>(6)(a) "Vicious dog" means a dog that, without provocation and subject to division (A)(4)(6)(b) of this section, meets any of the following:</u>	82 83 84
<u>(i) Has</u> killed or caused serious injury to any person;	85
<u>(ii) Has caused injury, other than killing or serious injury,</u> to any person, or has killed another dog.	86 87
<u>(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.</u>	88 89 90 91
<u>(b) "Vicious dog" does not include either of the following:</u>	92
<u>(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;</u>	93 94 95 96 97
<u>(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.</u>	98 99 100 101
<u>(5)(7) "Without provocation" means that a dog was not teased,</u>	102

tormented, or abused by a person, or that the dog was not coming 103
to the aid or the defense of a person who was not engaged in 104
illegal or criminal activity and who was not using the dog as a 105
means of carrying out such activity. 106

(B) Upon the transfer of ownership of any dog, the seller of 107
the dog shall give the buyer a transfer of ownership certificate 108
that shall be signed by the seller. The certificate shall contain 109
the registration number of the dog, the name of the seller, and a 110
brief description of the dog. Blank forms of the certificate may 111
be obtained from the county auditor. A transfer of ownership shall 112
be recorded by the auditor upon presentation of a transfer of 113
ownership certificate that is signed by the former owner of a dog 114
and that is accompanied by a fee of ~~twenty five cents~~five 115
dollars. 116

(C) Prior to the transfer of ownership or possession of any 117
dog, upon the buyer's or other transferee's request, the seller or 118
other transferor of the dog shall give to the person a written 119
notice relative to the behavior and propensities of the dog. 120

(D) Within ten days after the transfer of ownership or 121
possession of any dog, if the seller or other transferor of the 122
dog has knowledge that the dog is a dangerous ~~or vicious~~ dog, ~~he~~ 123
the seller or other transferor shall give to the buyer or other 124
transferee, the board of health for the district in which the 125
buyer or other transferee resides, and the dog warden of the 126
county in which the buyer or other transferee resides, a completed 127
copy of a written form on which the seller shall furnish the 128
following information: 129

(1) The name and address of the buyer or other transferee of 130
the dog; 131

(2) The age, sex, color, breed, and current registration 132
number of the dog. 133

In addition, the seller shall answer the following questions, 134
which shall be specifically stated on the form as follows: 135

"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."	136
	137
	138
"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."	139
	140
"Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."	141
	142
The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.	143
	144
(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section.	145
	146
	147
Sec. 955.22. (A) As used in this section, "dangerous dog" and "vicious dog" have <u>has</u> the same meanings <u>meaning</u> as in section 955.11 of the Revised Code.	148
	149
	150
(B) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper, or harbinger at any time the dog is in heat unless the dog is properly in leash.	151
	152
	153
	154
(C) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:	155
	156
	157
	158
(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;	159
	160
	161
	162
(2) Keep the dog under the reasonable control of some person.	163

(D) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of a dangerous or vicious dog shall fail to do either of the following:	164 165 166 167 168
(1) While that dog is on the premises of the owner, keeper, or harborer, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;	169 170 171 172 173 174
(2) While that dog is off the premises of the owner, keeper, or harborer, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:	175 176 177 178
(a) Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;	179 180
(b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;	181 182 183 184 185 186
(c) Muzzle that dog.	187
(E) No <u>person who has been convicted of or pleaded guilty to three or more violations of division (C) of this section involving the same dog and no</u> owner, keeper, or harborer of a vicious <u>dangerous</u> dog shall fail to obtain <u>do</u> the following:	188 189 190 191
(1) <u>Obtain</u> liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars because of damage or	192 193 194 195

bodily injury to or death of a person caused by the vicious	196
<u>dangerous dog if so ordered by a court and provide proof of that</u>	197
<u>liability insurance upon request to any law enforcement officer,</u>	198
<u>county dog warden, or public health official charged with</u>	199
<u>enforcing this section;</u>	200
(2) <u>Obtain a dangerous dog registration certificate from the</u>	201
<u>county auditor pursuant to division (I) of this section, affix a</u>	202
<u>tag that identifies the dog as a dangerous dog to the dog's</u>	203
<u>collar, and ensure that the dog wears the collar and tag at all</u>	204
<u>times;</u>	205
(3) <u>Notify the local dog warden immediately if any of the</u>	206
<u>following occurs:</u>	207
(a) <u>The dog is loose or unconfined.</u>	208
(b) <u>The dog bites a person, unless the dog is on the property</u>	209
<u>of the owner of the dog, and the person who is bitten is</u>	210
<u>unlawfully trespassing or committing a criminal act within the</u>	211
<u>boundaries of that property.</u>	212
(c) <u>The dog attacks another animal while the dog is off the</u>	213
<u>property of the owner of the dog.</u>	214
(4) <u>If the dog is sold, given to another person, or dies,</u>	215
<u>notify the county auditor within ten days of the sale, transfer,</u>	216
<u>or death.</u>	217
(F) No person shall do any of the following:	218
(1) Debark or surgically silence a dog that the person knows	219
or has reason to believe is a vicious <u>dangerous</u> dog;	220
(2) Possess a vicious <u>dangerous</u> dog if the person knows or	221
has reason to believe that the dog has been debarked or surgically	222
silenced;	223
(3) Falsely attest on a waiver form provided by the	224

veterinarian under division (G) of this section that the person's dog is not a vicious <u>dangerous</u> dog or otherwise provide false information on that written waiver form.	225 226 227
(G) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a vicious <u>dangerous</u> dog. The written waiver form shall include all of the following:	228 229 230 231
(1) The veterinarian's license number and current business address;	232 233
(2) The number of the license of the dog if the dog is licensed;	234 235
(3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;	236 237
(4) The signature of the owner of the dog attesting that the owner's dog is not a vicious <u>dangerous</u> dog;	238 239
(5) A statement that division (F) of section 955.22 of the Revised Code prohibits any person from doing any of the following:	240 241
(a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious <u>dangerous</u> dog;	242 243
(b) Possessing a vicious <u>dangerous</u> dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;	244 245 246
(c) Falsely attesting on a waiver form provided by the veterinarian under division (G) of section 955.22 of the Revised Code that the person's dog is not a vicious <u>dangerous</u> dog or otherwise provide false information on that written waiver form.	247 248 249 250
(H) It is an affirmative defense to a charge of a violation of division (F) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or	251 252 253

surgically silencing the dog, a written waiver form that complies with division (G) of this section and that attests that the dog is not a ~~vicious~~dangerous dog.

(D)(1) The county auditor shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is eighteen years of age or older, and who provides the following to the county auditor:

(a) A fee of fifty dollars;

(b) The person's address, phone number, and other appropriate means for the local dog warden or county auditor to contact the person;

(c) With respect to the person and the dog for which the registration is sought, all of the following:

(i) Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;

(ii) Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;

(iii) Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property;

(iv) Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

(2) Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the county auditor shall provide the owner with a uniformly designed tag that identifies

the animal as a dangerous dog. The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure in division (I)(3)(b) of this section and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

(3)(a) If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the county auditor within ten days of relocating to the new address.

(b) If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address:

(i) Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the county auditor of the new county;

(ii) Provide written notice of the new address to the county auditor of the county where the owner previously resided.

(4) The owner of a dangerous dog shall present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing this section.

(5) The fees collected pursuant to this division shall be deposited in the dog and kennel fund of the county.

Sec. 955.222. (A) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

(B) If a person who is authorized to enforce this chapter has reasonable cause to believe that a dog in the person's jurisdiction is a nuisance dog, dangerous dog, or vicious dog, the person shall notify the owner, keeper, or harborer of that dog, by certified mail or in person, of both of the following: 316
317
318
319
320

(1) That the person has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable; 321
322

(2) That the owner, keeper, or harborer of the dog may request a hearing regarding the designation in accordance with this section. The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or harborer resides. 323
324
325
326
327

(C) If the owner, keeper, or harborer of the dog disagrees with the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, as applicable, the owner, keeper, or harborer, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the municipal court or county court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harborer. At the hearing, the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog. 328
329
330
331
332
333
334
335
336
337
338
339

The owner, keeper, or harborer of the dog or the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog may appeal the court's final determination as in any other case filed in that court. 340
341
342
343

(D) A court, upon motion of an owner, keeper, or harborer or an attorney representing the owner, keeper, or harborer, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harborer until the court makes a final determination under this 344
345
346
347
348

section or during the pendency of an appeal, as applicable. Until 349
the court makes a final determination and during the pendency of 350
any appeal, the dog shall be confined or restrained in accordance 351
with the provisions of division (D) of section 955.22 of the 352
Revised Code that apply to dangerous dogs regardless of whether 353
the dog has been designated as a vicious dog or a nuisance dog 354
rather than a dangerous dog. The owner, keeper, or harborer of the 355
dog shall not be required to comply with any other requirements 356
established in the Revised Code that concern a nuisance dog, 357
dangerous dog, or vicious dog, as applicable, until the court 358
makes a final determination and during the pendency of any appeal. 359

(E) If a dog is finally determined under this section, or on 360
appeal as described in this section, to be a vicious dog, division 361
(D) of section 955.11 and divisions (D) to (I) of section 955.22 362
of the Revised Code apply with respect to the dog and the owner, 363
keeper, or harborer of the dog as if the dog were a dangerous dog, 364
and section 955.54 of the Revised Code applies with respect to the 365
dog as if it were a dangerous dog, and the court shall issue an 366
order that specifies that those provisions apply with respect to 367
the dog and the owner, keeper, or harborer in that manner. As part 368
of the order, the court shall require the owner, keeper, or 369
harborer to obtain the liability insurance required under division 370
(E)(1) of section 955.22 of the Revised Code in an amount 371
described in division (H)(2) of section 955.99 of the Revised 372
Code. 373

(F) As used in this section, "nuisance dog," "dangerous dog," 374
and "vicious dog" have the same meanings as in section 955.11 of 375
the Revised Code. 376

Sec. 955.54. (A) No person who is convicted of or pleads 377
guilty to a felony offense of violence committed on or after the 378
effective date of this section or a felony violation of any 379
provision of Chapter 959., 2923., or 2925. of the Revised Code 380
committed on or after the effective date of this section shall 381
knowingly own, possess, have custody of, or reside in a residence 382
with either of the following for a period of three years 383

<u>commencing either upon the date of release of the person from any</u>	384
<u>period of incarceration imposed for the offense or violation or,</u>	385
<u>if the person is not incarcerated for the offense or violation,</u>	386
<u>upon the date of the person's final release from the other</u>	387
<u>sanctions imposed for the offense or violation:</u>	388
<u>(1) An unspayed or unneutered dog older than twelve weeks of</u>	389
<u>age;</u>	390
<u>(2) Any dog that has been determined to be a dangerous dog</u>	391
<u>under Chapter 955. of the Revised Code.</u>	392
<u>(B) A person described in division (A) of this section shall</u>	393
<u>microchip for permanent identification any dog owned, possessed</u>	394
<u>by, or in the custody of the person.</u>	395
<u>(C)(1) Division (A) of this section does not apply to any</u>	396
<u>person who is confined in a correctional institution of the</u>	397
<u>department of rehabilitation and correction.</u>	398
<u>(2) Division (A) of this section does not apply to any person</u>	399
<u>with respect to any dog that the person owned, possessed, had</u>	400
<u>custody of, or resided in a residence with prior to the effective</u>	401
<u>date of this section.</u>	402
Sec. 955.99. (A)(1) Whoever violates division (E) of section	403
955.11 of the Revised Code because of a failure to comply with	404
division (B) of that section is guilty of a minor misdemeanor.	405
(2) Whoever violates division (E) of section 955.11 of the	406
Revised Code because of a failure to comply with division (C) or	407
(D) of that section is guilty of a minor misdemeanor on a first	408
offense and of a misdemeanor of the fourth degree on each	409
subsequent offense.	410
(B) Whoever violates section 955.10, 955.23, 955.24, or	411
955.25 of the Revised Code is guilty of a minor misdemeanor.	412
(C) Whoever violates section 955.261, 955.39, or 955.50 of	413

the Revised Code is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(D) Whoever violates division (F) of section 955.16 or division (B) of section 955.43 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(E)(1) Whoever violates section 955.21 ~~of the Revised Code, violates~~ division (B) of section 955.22 of the Revised Code, or commits a violation of division (C) of section 955.22 of the Revised Code that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(2) In addition to the penalties prescribed in division (E)(1) of this section, if the offender is guilty of a violation of division (B) of section 955.22 of the Revised Code or a violation of division (C) of section 955.22 of the Revised Code that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(F) ~~¶(1)~~ Whoever commits a violation of division (C) of section 955.22 of the Revised Code that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of division (C) of section 955.22 of the Revised Code involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.

(2) In addition to the penalties prescribed in division (F)(1) of this section, if a violation of division (C) of section

955.22 of the Revised Code involves a nuisance dog, the court may 448
order the offender to personally supervise the nuisance dog that 449
the offender owns, keeps, or harbors, to cause that dog to 450
complete dog obedience training, or to do both. 451

(G) Whoever commits a violation of division ~~(D)~~(C) of section 452
955.22 of the Revised Code that involves a dangerous dog, ~~whoever~~ 453
violates that division or a violation of division (D) of that 454
section is guilty of a misdemeanor of the fourth degree on a first 455
offense and of a misdemeanor of the third degree on each 456
subsequent offense. Additionally, the court may order the offender 457
to personally supervise the dangerous dog that the offender owns, 458
keeps, or harbors, to cause that dog to complete dog obedience 459
training, or to do both, and the court may order the offender to 460
obtain liability insurance pursuant to division (E) of section 461
955.22 of the Revised Code. The court, in the alternative, may 462
order the dangerous dog to be humanely destroyed by a licensed 463
veterinarian, the county dog warden, or the county humane society 464
at the owner's expense. With respect to a violation of division 465
(C) of section 955.22 of the Revised Code that involves a 466
dangerous dog, until the court makes a final determination and 467
during the pendency of any appeal of a violation of that division 468
and at the discretion of the dog warden, the dog shall be confined 469
or restrained in accordance with division (D) of section 955.22 of 470
the Revised Code or at the county dog pound at the owner's 471
expense. 472

~~(G)~~ ~~H~~(H)(1) Whoever commits a violation of division ~~(D)~~(C) 473
of section 955.22 of the Revised Code that involves a vicious dog, 474
whoever violates that division is guilty of one of the following: 475

~~(1)~~(a) A felony of the fourth degree ~~on a first or subsequent~~ 476
offense if the dog kills or seriously injures a person. 477
Additionally, the court shall order that the vicious dog be 478
humanely destroyed by a licensed veterinarian, the county dog 479
warden, or the county humane society at the owner's expense. 480

~~(2)~~(b) A misdemeanor of the first degree ~~on a first offense~~ 481

and a felony of the fourth degree on each subsequent offense if	482
<u>the dog causes serious injury to a person.</u> Additionally, the court	483
may order the vicious dog to be humanely destroyed by a licensed	484
veterinarian, the county dog warden, or the county humane society-	485
(3) <u>A misdemeanor of the first degree if the dog causes</u>	486
injury, other than killing or serious injury, to any person.	487
(H) <u>at the owner's expense.</u>	488
<u>(2) If the court does not order the vicious dog to be</u>	489
<u>destroyed under division (H)(1)(b) of this section, the court</u>	490
<u>shall issue an order that specifies that division (D) of section</u>	491
<u>955.11 and divisions (D) to (I) of section 955.22 of the Revised</u>	492
<u>Code apply with respect to the dog and the owner, keeper, or</u>	493
<u>harborer of the dog as if the dog were a dangerous dog and that</u>	494
<u>section 955.54 of the Revised Code applies with respect to the dog</u>	495
<u>as if it were a dangerous dog. As part of the order, the court</u>	496
<u>shall order the offender to obtain the liability insurance</u>	497
<u>required under division (E)(1) of section 955.22 of the Revised</u>	498
<u>Code in an amount, exclusive of interest and costs, that equals or</u>	499
<u>exceeds one hundred thousand dollars. Until the court makes a</u>	500
<u>final determination and during the pendency of any appeal of a</u>	501
<u>violation of division (C) of section 955.22 of the Revised Code</u>	502
<u>and at the discretion of the dog warden, the dog shall be confined</u>	503
<u>or restrained in accordance with the provisions described in</u>	504
<u>division (D) of section 955.22 of the Revised Code or at the</u>	505
<u>county dog pound at the owner's expense.</u>	506
<u>(I) Whoever violates division (A)(2) of section 955.01 or</u>	507
<u>division (E) of section 955.22 of the Revised Code is guilty of a</u>	508
<u>misdemeanor of the first degree.</u>	509
(H) <u>(J) Whoever violates division (E)(2) of section 955.22 of</u>	510
<u>the Revised Code is guilty of a misdemeanor of the fourth degree.</u>	511
<u>(K) Whoever violates division (C) of section 955.221 of the</u>	512
<u>Revised Code is guilty of a minor misdemeanor. Each day of</u>	513
<u>continued violation constitutes a separate offense. Fines levied</u>	514

and collected for violations of that division shall be distributed 515
by the mayor or clerk of the municipal or county court in 516
accordance with section 733.40, division (F) of section 1901.31, 517
or division (C) of section 1907.20 of the Revised Code to the 518
treasury of the county, township, or municipal corporation whose 519
resolution or ordinance was violated. 520

~~(J)~~(L) Whoever violates division (F)(1), (2), or (3) of 521
section 955.22 of the Revised Code is guilty of a felony of the 522
fourth degree. Additionally, the court shall order that the 523
vicious dog involved in the violation be humanely destroyed by a 524
licensed veterinarian, the county dog warden, or the county humane 525
society. Until the court makes a final determination and during 526
the pendency of any appeal of a violation of division (F)(1), (2), 527
or (3) of section 955.22 of the Revised Code and at the discretion 528
of the dog warden, the dog shall be confined or restrained in 529
accordance with the provisions of division (D) of section 955.22 530
of the Revised Code or at the county dog pound at the owner's 531
expense. 532

(M) Whoever violates division (E)(1), (3), or (4) of section 533
955.22 of the Revised Code is guilty of a minor misdemeanor. 534

(N) Whoever violates division (I)(4) of section 955.22 of the 535
Revised Code is guilty of a minor misdemeanor. 536

(O) Whoever violates division (A) or (B) of section 955.54 of 537
the Revised Code is guilty of a misdemeanor of the first degree. 538

(P)(1) If a dog is confined at the county dog pound pursuant 539
to division (G), (H), or (L) of this section, the county dog 540
warden shall give written notice of the confinement to the owner 541
of the dog. If the county dog warden is unable to give the notice 542
to the owner of the dog, the county dog warden shall post the 543
notice on the door of the residence of the owner of the dog or in 544
another conspicuous place on the premises at which the dog was 545
seized. The notice shall include a statement that a security in 546
the amount of one hundred dollars is due to the county dog warden 547
within ten days to secure payment of all reasonable expenses, 548

including medical care and boarding of the dog for sixty days, 549
expected to be incurred by the county dog pound in caring for the 550
dog pending the determination. The county dog warden may draw from 551
the security any actual costs incurred in caring for the dog. 552

(2) If the person ordered to post security under division 553
(P)(1) of this section does not do so within ten days of the 554
confinement of the animal, the dog is forfeited, and the county 555
dog warden may determine the disposition of the dog unless the 556
court issues an order that specifies otherwise. 557

(3) Not more than ten days after the court makes a final 558
determination under division (G), (H), or (L) of this section, the 559
county dog warden shall provide the owner of the dog with the 560
actual cost of the confinement of the dog. If the county dog 561
warden finds that the security provided under division (P)(1) of 562
this section is less than the actual cost of confinement of the 563
dog, the owner shall remit the difference between the security 564
provided and the actual cost to the county dog warden within 565
thirty days after the court's determination. If the county dog 566
warden finds that the security provided under division (P)(1) of 567
this section is greater than that actual cost, the county dog 568
warden shall remit the difference between the security provided 569
and the actual cost to the owner within thirty days after the 570
court's determination. 571

(Q) As used in this section, "nuisance dog," "dangerous dog," 572
and "vicious dog" have the same meanings as in section 955.11 of 573
the Revised Code. 574

Sec. 1901.18. (A) Except as otherwise provided in this 575
division or section 1901.181 of the Revised Code, subject to the 576
monetary jurisdiction of municipal courts as set forth in section 577
1901.17 of the Revised Code, a municipal court has original 578
jurisdiction within its territory in all of the following actions 579
or proceedings and to perform all of the following functions: 580

(1) In any civil action, of whatever nature or remedy, of 581

which judges of county courts have jurisdiction;	582
(2) In any action or proceeding at law for the recovery of money or personal property of which the court of common pleas has jurisdiction;	583 584 585
(3) In any action at law based on contract, to determine, preserve, and enforce all legal and equitable rights involved in the contract, to decree an accounting, reformation, or cancellation of the contract, and to hear and determine all legal and equitable remedies necessary or proper for a complete determination of the rights of the parties to the contract;	586 587 588 589 590 591
(4) In any action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the foreclosure and marshalling of liens on personal property of that nature, and for the rendering of personal judgment in the action or proceeding;	592 593 594 595 596
(5) In any action or proceeding to enforce the collection of its own judgments or the judgments rendered by any court within the territory to which the municipal court has succeeded, and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the municipal court;	597 598 599 600 601
(6) In any action or proceeding in the nature of interpleader;	602 603
(7) In any action of replevin;	604
(8) In any action of forcible entry and detainer;	605
(9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code;	606 607 608 609 610 611

(10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction;

(11) In any action brought pursuant to division (I) of section 3733.11 of the Revised Code, if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court;

(12) In any civil action as described in division (B)(1) of section 3767.41 of the Revised Code that relates to a public nuisance, and, to the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in the civil action;

(13) In a proceeding brought pursuant to section 955.222 of the Revised Code by the owner of a dog that has been designated as a nuisance dog, dangerous dog, or vicious dog.

(B) The Cleveland municipal court also shall have jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(1) In all actions and proceedings for the sale of real property under lien of a judgment of the municipal court or a lien for machinery, material, or fuel furnished or labor performed, irrespective of amount, and, in those actions and proceedings, the court may proceed to foreclose and marshal all liens and all vested or contingent rights, to appoint a receiver, and to render personal judgment irrespective of amount in favor of any party.

(2) In all actions for the foreclosure of a mortgage on real property given to secure the payment of money or the enforcement of a specific lien for money or other encumbrance or charge on real property, when the amount claimed by the plaintiff does not exceed fifteen thousand dollars and the real property is situated

within the territory, and, in those actions, the court may proceed 645
to foreclose all liens and all vested and contingent rights and 646
may proceed to render judgments and make findings and orders 647
between the parties in the same manner and to the same extent as 648
in similar actions in the court of common pleas. 649

(3) In all actions for the recovery of real property situated 650
within the territory to the same extent as courts of common pleas 651
have jurisdiction; 652

(4) In all actions for injunction to prevent or terminate 653
violations of the ordinances and regulations of the city of 654
Cleveland enacted or promulgated under the police power of the 655
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 656
Constitution, over which the court of common pleas has or may have 657
jurisdiction, and, in those actions, the court may proceed to 658
render judgments and make findings and orders in the same manner 659
and to the same extent as in similar actions in the court of 660
common pleas. 661

Sec. 1907.031. (A) Except as otherwise provided in section 662
1907.03 of the Revised Code and in addition to the jurisdiction 663
authorized in other sections of this chapter and in section 664
1909.11 of the Revised Code, a county court has original 665
jurisdiction within its district in all of the following actions 666
or proceedings and to perform all of the following functions: 667

(1) In an action or proceeding at law for the recovery of 668
money or personal property of which the court of common pleas has 669
jurisdiction; 670

(2) In an action at law based on contract, to determine, 671
preserve, and enforce all legal and equitable rights involved in 672
the contract, to decree an accounting, reformation, or 673
cancellation of the contract, and to hear and determine all legal 674
and equitable remedies necessary or proper for a complete 675
determination of the rights of the parties to the contract; 676

(3) In an action or proceeding for the sale of personal 677

property under chattel mortgage, lien, encumbrance, or other charge, for the foreclosure and marshalling of liens on the personal property, and for the rendering of personal judgment in the action or proceeding;

(4) In an action or proceeding to enforce the collection of its own judgments and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the county court;

(5) In an action or proceeding in the nature of interpleader;

(6) In an action of forcible entry and detainer;

(7) In a proceeding brought pursuant to section 955.222 of the Revised Code by the owner of a dog that has been designated as a nuisance dog, dangerous dog, or vicious dog.

(B) A county court has original jurisdiction in civil actions as described in division (B)(1) of section 3767.41 of the Revised Code that relate to a public nuisance. To the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in such a civil action.

Section 2. That existing sections 955.08, 955.11, 955.22, 955.99, 1901.18, and 1907.031 of the Revised Code are hereby repealed.

Section 3. (A) Except as provided in division (B) of this section, an owner, keeper, or harbinger of a dog who was required to comply with the requirements pertaining to a vicious dog prior to the effective date of this act shall be required to comply with the requirements pertaining to a dangerous dog on or after the effective date of this act.

(B) Division (A) of this section does not apply to an owner, harbinger, or keeper of a dog who was required, with respect to that dog, to comply with the requirements pertaining to a vicious

dog prior to the effective date of this act solely because the dog
belongs to a breed that is commonly known as a pit bull dog.

709
710