

Effective May 22, 2012, the state of Ohio no longer defines a "breed of dog commonly known as a pit bull" as a vicious dog. However, any dog may be designated as vicious, dangerous or a nuisance based on its actions. Any law enforcement officer, dog warden or animal control officer may make this designation.

### **Nuisance Dog**

Ohio Revised Code Section 955.11

Any dog that without provocation has approached a person in a menacing fashion or in an apparent attitude of attack while off the owner, keeper, or harborer's property.

Without provocation means that the dog was not teased, tormented or abused by a person; or that the dog was not coming to the aid or defense of a person who was not engaged in illegal or criminal activity, and who was not using the dog as a means of carrying out such activity.

Menacing fashion means that the dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to the person.

The penalty for failing to properly confine a Nuisance Dog is a minor misdemeanor, and carries a fine of up to \$150. Subsequent offenses are a fourth degree misdemeanor and carry a fine of up to \$250 and 30 days imprisonment. If the same dog has been convicted of three or more Nuisance violations, the designation is elevated to Dangerous Dog.

### **Dangerous Dog**

Ohio Revised Code Section 955.11

Any dog that without provocation has subject to division (A)(1)(b) of section 955.11 done any of the following while on or off the owner, keeper or harborer's property.

- Caused injury to a person, other than killing or seriously injuring a person
- Killed another dog
- Been the subject of a third or subsequent violation of 955.22C

The penalty for failing to properly confine and control a Dangerous Dog is a fourth degree misdemeanor, and carries a fine of up to \$250 and 30 days imprisonment. Subsequent offenses are considered a third degree misdemeanor and carry a fine of up to \$500 and 60 days imprisonment.

### **Vicious Dog**

Ohio Revised Code Section 955.11

Any dog that has seriously injured or killed a person while on or off the owner, keeper or harborer's property.

- Police dogs that kill or seriously injure a person while being used to assist law enforcement officers in the performance of their duties are excluded.
- A dog that kills or seriously injures a person while that person is committing or attempting to commit a trespass or other criminal offense on the property of the owner, harborer or keeper of the dog is excluded.

The penalty for failing to properly confine and control a Vicious Dog is a first degree misdemeanor, and carries a fine of up to \$1,000 and 180 days imprisonment. If a person is killed, the charge is a fourth degree felony with a maximum fine of \$5,000 and 18 months imprisonment.

Serious injury means any of the following:

- Any physical harm that carries a substantial risk of death.
- Any physical harm that involves a permanent incapacity, either partial or total; or a temporary substantial incapacity.
- Any physical harm that involves a permanent disfigurement, or a temporary serious disfigurement.

- Any physical harm that involves acute pain of a duration that results in substantial suffering, or any degree of prolonged or intractable pain.