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Bill Analysis

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Primary Sponsors: Reps. K. Miller and Lawson-Rowe

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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 or an animal shelter for dogs 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;
  - The animal shelter for dogs recklessly fails to keep the dog from committing such acts.
- Allows a court, as part of the criminal proceeding, to order the dog to be humanely destroyed by a licensed veterinarian or the county dog warden at the dog owner's expense if the dog committed a vicious or dangerous dog act, injured another dog, or attempted to bite a person and the attempt resulted in the injury of the person.
- However, if the dog kills a person or seriously injures a person that results in substantial risk of death, permanent incapacity, serious permanent disfigurement, or acute pain of a duration that results in substantial suffering, 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, killed a person or seriously injured a person that results in substantial risk of death, permanent incapacity, serious permanent disfigurement, or acute pain of a duration that results in substantial suffering.

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 nuisance, dangerous, or vicious dog.
- Exempts a dog that is not a dangerous or vicious dog from the prohibition against a dog running at large if the dog is engaged in a field trial.

Dog warden provisions

- 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.

County auditor provisions

- Whenever a county auditor registers a dangerous or vicious dog or receives a notification regarding an address change from the owner of a dangerous or vicious dogs, requires the county auditor to notify in writing the applicable county dog warden of the registration or address change.

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 authorization in current law that allows a dangerous or vicious dog to legally engage in hunting activities;
  - 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;

- Mandating that a dangerous or vicious dog owner obtain at least $100,000 in liability insurance, regardless of a court order, and specifies that the failure to obtain liability insurance is a fourth degree misdemeanor;
- Requiring a dangerous or vicious dog owner to securely confine their dog within their dwelling or any building on their property when an invitee is present so that there is no reasonable probability that the dog meets the invitee;
- Increasing, from $50 to $100, the dangerous dog registration fee applicable to dangerous and vicious dog owners;
- Requiring a dangerous or vicious dog owner to disclose the dog's dangerous or vicious dog status to a trainer or veterinarian who will be providing services related to the dog and specifying that failure to do so is a minor misdemeanor;
- Requiring a person who is selling or transferring a dangerous or vicious dog to include an additional answer about the dog's designation status on the written form that the person must submit to the buyer or other transferee, the applicable board of health, and the applicable dog warden; and
- Specifying that certain prohibitions regarding dangerous and vicious dogs are strict liability offenses.

Animal shelters for dogs

- Exempts an animal shelter for dogs from any registration requirement, including registering any dog or a dangerous or vicious dog, instead of exempting shelters only from paying registration fees as under current law.
- Exempts an animal shelter for dogs, with respect to a dog that it keeps or harbors, from complying with certain requirements governing dangerous or vicious dogs if the shelter uses due diligence in ascertaining whether the dog is dangerous or vicious prior to taking possession of the dog.

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.

Dog attack notifications

- Codifies the Department of Health's rule governing dog bite reporting that requires a health care provider or licensed veterinarian who has knowledge of an attack by a dog or other nonhuman mammal to report the attack within 24 hours after obtaining that knowledge.

- Requires a city or general health district board of health to annually submit a report regarding nonhuman mammalian attacks occurring in its district to the Department of Health by March 1 of each year.

Recodification, reorganization, and miscellaneous changes

- Reorganizes and moves the codified location of various R.C. Chapter 955 provisions, including provisions governing criminal penalties.
- Specifies that certain prohibitions regarding dogs, including a violation of dog registration requirements, are strict liability offenses.
- 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.

Avery's Law

- Names the bill "Avery's Law" in honor of Avery Russell, who was severely injured in a dog attack in Reynoldsburg, Ohio in June 2024, when she was 11 years old.

TABLE OF CONTENTS

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 harborer (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"); or[1]
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]

[1] R.C. 955.22(C).

[2] See R.C. 955.99(G), repealed.

[3] See R.C. 955.99(H)(1), repealed.

The bill changes the penalties and procedures for addressing dogs that injure or kill a person or other dogs or injure livestock (excluding poultry). Notably, if a dog, without provocation, kills or seriously injures a person resulting in certain consequences, 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;
- Allowing a court to order the humane destruction of a dog that, without provocation, committed a vicious or dangerous dog act, injured another dog, or attempted to bite a person and the attempt resulted in the injury of the person, regardless of whether the dog owner is charged with a crime;
- Modifying the criminal penalties for allowing a nuisance, 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
- Modifying certain requirements that apply to dog wardens in cases where the warden has reason to believe that a dog is being treated inhumanely.

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.	A dog that has been designated at a dog designation hearing or by a dog warden 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.

[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]**
		If there is probable cause to find that the dog, without provocation,[6] has committed one of the following nuisance dog acts, a dog warden must designate the dog or petition a court to designate the dog as a nuisance dog: 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 in either a menacing fashion or an apparent attitude of attack; 3. Caused injury[7] to any person without making physical contact in either a menacing fashion or an apparent attitude of attack; 4. Chased, threatened, harassed, or injured another dog or livestock (excluding poultry) in either a menacing fashion or an apparent attitude of attack; 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 running at large violation, it is a dangerous dog).
Dangerous	A dog that, without provocation, has done one of the following:	A dog that has been designated at a dog designation hearing or by a dog warden as a dangerous dog or a dog that has

[6] R.C. 955.22(A)(6). The bill clarifies that "without provocation" also means that a dog was not attacked by another dog or livestock.

[7] R.C. 955. 22(A)(4). Under the bill, "injury" means any physical harm to a person, another dog, or livestock (excluding poultry), as applicable, but does not include physical harm resulting from a situation where the dog behaves in a playful, nonaggressive, or age-appropriate manner.

Definitions of nuisance, dangerous, and vicious dog		
Type of dog	**Current law[4]**	**H.B. 247[5]**
	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).	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. If there is probable cause to find that the dog, without provocation, has committed one of the following dangerous dog acts, a dog warden must designate the dog or petition a court to designate the dog as a dangerous dog: 1. Caused injury by physical contact, other than killing or serious Injury,[8] to any person in either a menacing fashion or an apparent attitude of attack; 2. Caused serious injury without making physical contact to any person in either a menacing fashion or an apparent attitude of attack; 3. Killed another dog; 4. Caused serious injury to another dog that results in euthanasia of the dog by a person authorized to perform euthanasia under Ohio law.
Vicious	A dog that, without provocation, has killed or caused serious injury to any person.	A dog that has been designated at a dog designation hearing or by a dog warden as a vicious dog or a dog that has previously engaged in a vicious dog act when

[8] Serious injury is any physical harm that carries a substantial risk of death; any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity; any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement; or any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain. The bill excludes physical harm resulting from a situation where the dog behaves in a playful, nonaggressive or age-appropriate manner from being considered "serious injury," R.C. 955.22(A)(5).

Definitions of nuisance, dangerous, and vicious dog		
Type of dog	**Current law[4]**	**H.B. 247[5]**
		evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous vicious dog act. If there is probable cause to find that the dog, without provocation, has committed one of the following vicious dog acts, a dog warden must designate the dog or petition a court to designate the dog as a vicious dog: 1. Killed any person; 2. Caused serious injury to any person by physical contact; 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 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. It also imposes those criminal penalties in cases where the actor is an animal shelter for dogs, but requires a lower culpable mental state for certain offenses. An "animal shelter for dogs" is a facility that keeps, houses, and maintains dogs such as a dog pound operated by a municipal corporation or a county, or that is operated by a humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization that is devoted to the welfare, protection, and humane treatment of dogs and other animals.[9] The criminal penalties are as follows:[10]

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;

[9] R.C. 956.01, not in the bill.

[10] R.C. 955.22.

- An animal shelter for dogs recklessly 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;
  - The animal shelter for dogs recklessly fails to prevent the dog from committing a dangerous dog act.
- A first degree misdemeanor if the dog owner or animal shelter for dogs negligently fails to prevent the dog from committing a dangerous dog act if 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;
  - The animal shelter for dogs recklessly fails to prevent the dog from committing a vicious dog act.
- A third degree felony if the dog owner or animal shelter for dogs negligently fails to prevent the dog from committing a vicious dog act if 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 or the county dog warden at the dog owner's expense if the court finds that the dog committed a vicious or dangerous dog act, injured another dog, or attempted to bite a person and the attempt resulted in the injury of the person. However, *if the dog kills a person or seriously injures a person that results in substantial risk of death; permanent incapacity; serious permanent disfigurement; or acute pain of a duration that results in substantial suffering*, 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.[11]

As indicated above, under current law, when a court orders the humane destruction of a dog, it may require the county humane society to perform the humane destruction. However, the bill only allows a county dog warden or a licensed veterinarian to destroy the dog.[12]

Dog designation hearing

The bill restructures the existing dog designation procedures, which may result in a dog's designation 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.

Dog designation hearing		
Topic	**Current law[13]**	**H.B. 247[14]**
Initiating a proceeding	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: 1. That the authorized person has designated the dog a nuisance dog, dangerous dog,	Generally the same process as current law when a dog that did not seriously injure or kill a person and when the authorized person determines that the dog may safely remain with the dog's owner after the commission of the act (the authorized person must have probable cause instead of reasonable cause in order to designate the dog).

[11] R.C. 955.99(H), repealed.

[12] R.C. 955.21(D) and (E), 955.22(E) and (F), 955.23(F), and 955.23(F) and (H).

[13] R.C. 955.23.

[14] R.C. 955.23.

Dog designation hearing		
Topic	**Current law[13]**	**H.B. 247[14]**
	or vicious dog, as applicable; and 2. That the dog owner may request a hearing regarding the designation. The authorized person must include filing instructions in the notice.	However, regarding a dog that seriously injures or kills a person or a dog that the dog warden determines cannot safely remain with the dog's owner, the bill requires an authorized person who has probable cause that a dog has committed a nuisance, dangerous, or vicious dog act to petition the appropriate court to hold a dog designation hearing regarding the dog.
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 court that has jurisdiction *over the location of the alleged incident* 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.	For cases in which the dog warden designates the dog without petitioning a court, the dog owner, within ten days of receiving the designation notice, may appeal the designation. The bill specifies that the court has ten calendar days to conduct the appeal. For cases in which an authorized person petitions the court for a dog designation hearing, the court must hold the hearing within ten calendar 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.

Dog designation hearing		
Topic	**Current law[13]**	**H.B. 247[14]**
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.	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. However, under the bill, probable cause 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.
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 or designated the dog 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.	If the dog warden determines that it is safe to have the dog remain in the custody of the dog's owner and the dog did not seriously injure or kill a person, 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. However, if the dog warden determines that it is not safe to have the dog remain in the custody of the dog's owner after the commission of the

Dog designation hearing		
Topic	**Current law[13]**	**H.B. 247[14]**
		alleged act or if the dog seriously injured or killed a person and during the pendency of a court's determination or any appeal, the dog must be held in the custody of the dog warden. 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.
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.	Same, but the bill removes references that require a vicious dog to comply with dangerous dog requirements. Instead, it incorporates references to vicious dogs in those requirements.[15]
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	The bill allows the court, as part of the dog designation hearing, to order a dog designated as a nuisance dog to be humanly destroyed by a licensed veterinarian or the county dog warden at the dog owner's expense if the court finds that the dog injured another dog

[15] 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[13]**	**H.B. 247[14]**
	subsequently found running at large is the court authorized (or required) to order the dog to be humanely destroyed.	or attempted to bite a person and such attempt resulted in the injury of the person. Additionally, the bill allows the court to order a dog designated as a dangerous or vicious dog to be humanely destroyed. However, it requires the court to order the dog to be humanely destroyed if the court finds that the dog killed a person or caused serious injury to a person that resulted in substantial risk of death; permanent incapacity; serious permanent disfigurement; or acute pain of a duration that results in substantial suffering.

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 specifies that it is a strict liability offense and increases the penalties associated with a dog running at large that does not cause any injury or death, as follows:

- Increases, from a minor misdemeanor to a fourth degree misdemeanor on a first offense and from a fourth degree misdemeanor to a third degree misdemeanor on each subsequent offense, the penalty associated with a person who allows their nuisance dog to run at large.
- 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 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 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.[16]

It also exempts a dog owner from the prohibition when a dog is participating in field trials, provided that the dog is not a dangerous or vicious dog. A field trial is a competitive event for hunting dogs.[17]

Dog warden provisions

The bill 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. 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.[18]

It also removes current law's criminal prohibition against a dog warden who willfully fails to perform "other duties required" of a dog warden, violation of which is a minor misdemeanor.[19]

County auditor provisions

Under the bill, whenever a county auditor registers a dangerous or vicious dog or receives a notification regarding an address change from a dangerous or vicious dog owner, the bill requires the county auditor to notify in writing the applicable county dog warden of the registration or address change.[20] Current law, retained by the bill, requires a dangerous or vicious dog owner to register their dog with the county auditor and obtain both a regular dog tag and a dangerous dog tag.[21]

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.[22]
- It requires any fencing used by a dog owner to confine a vicious or dangerous dog to be sufficiently constructed to prevent escape.[23]

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[16] R.C. 955.21; R.C. 955.22, repealed and reenacted; R.C. 955.99(G), repealed.

[17] R.C. 955.21(F).

[18] R.C. 955.12.

[19] R.C. 955.23, repealed; R.C. 955.99(B), repealed.

[20] R.C. 955.024.

[21] R.C. 955.02.

[22] R.C. 955.21(A) and (F) and 955.24(A).

[23] R.C. 955.24(A)(2)(a).

- 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.[24]
- It mandates that a dangerous or vicious dog owner obtain at least $100,000 in liability insurance, regardless of a court order, and specifies that the failure to obtain liability insurance is a minor misdemeanor on a first offense and a fourth degree misdemeanor on each subsequent offense.[25]
- It requires a dangerous or vicious dog owner to securely confine their dog within their dwelling or any building on their property when an invitee is present so that there is no reasonable probability that the dog comes into contact with the invitee.[26]
- It increases the fee, from $50 to $100, that a dangerous or vicious dog owner must pay for a dangerous dog registration.[27]
- It requires a dangerous or vicious dog owner to disclose the dog's dangerous or vicious dog status to a trainer or veterinarian who will be providing services related to the dog and specifies that failure to do so is a minor misdemeanor.[28]
- It requires a person who is selling or transferring a dangerous or vicious dog to include on the written form required to be provided under current law to the buyer or other transferee, the applicable board of health, and the applicable dog warden the answer to the following question:
  - "Has the dog previously been designated a nuisance, dangerous, or vicious dog? If yes, indicate the designation that was assigned, the date of designation, and in which county or city the designation was made."[29]
- Specifies that the following prohibitions are strict liability offenses:
  - Failure to present a valid dangerous dog registration upon request of any law enforcement officer, dog warden, or public health official;[30]

[24] R.C. 955.54.

[25] R.C. 955.24(B)(1) and (G)(1).

[26] R.C. 955.24(A)(2).

[27] R.C. 955.02(D)(1)(a).

[28] R.C. 955.24(B)(5) and (G)(2).

[29] R.C. 955.11(C)(2).

[30] R.C. 955.02(I).

- Failure to obtain a dangerous dog registration, affix the dangerous dog tag to the dog, or ensure that the dangerous or vicious dog wears the collar and tag at all times;[31]
- Failure to comply with the law governing the transfer or sale of a dangerous or vicious dog;[32]
- Failure to keep a dangerous or vicious dog securely confined;[33] and
- Regarding a dangerous or vicious dog, failure to obtain liability insurance, provide proof of that insurance, notify the local dog warden if the dog gets loose or attacks a person or animal under certain circumstances, or notify the county auditor or dog warden if the dog is sold, transferred, or died.[34]

Animal shelters for dogs

The bill exempts an animal shelter for dogs[35] from any registration requirements. Under current law, animal shelters for dogs are exempt only from paying registration fees.[36] It also exempts an animal shelter for dogs, with respect to a dog that it keeps or harbors, from complying with certain requirements governing dangerous or vicious dogs, including notice upon transfer requirements, obtaining liability insurance, and securely confining the dog, if both of the following apply:

1. The animal shelter did not have knowledge and could not have reasonably ascertained that the dog is a dangerous or vicious dog; and

2. The animal shelter asks the following questions to the dog's previous owner, if such person is known and if the dog was not impounded due to animal abuse:

"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog previously been designated a nuisance, dangerous, or vicious dog? If yes, indicate the designation that was assigned, the date of designation, and in which county or city the designation was made."[37]

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[31] R.C. 955.02(J).

[32] R.C. 955.11.

[33] R.C. 955.24(A).

[34] R.C. 955.24(B).

[35] See R.C. 956.01, not in the bill.

[36] R.C. 955.02(G).

[37] R.C. 955.11(F) and 955.24.

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.

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.[38]

Dog attack notifications

The bill codifies the Department of Health's rule[39] governing dog bite reporting requirements. Accordingly, it requires a health care provider or a licensed veterinarian who has knowledge of a person who was bitten or injured as a result of a dog or other nonhuman mammal attack to report the bite or injury within 24 hours after obtaining that knowledge.

The provider or veterinarian must make the report to the health commissioner of the health district in which the bite occurred. Additionally, if a dog or other nonhuman mammal bites or injures a person, the person who was bitten or injured may report it to the health commissioner of the health district in which the bite occurred.

A city or general health district board of health must annually submit a report regarding nonhuman mammalian bites and injuries occurring in its district to the Department of Health by March 1 every year. The report must include information about the bites and injuries that occurred in the previous calendar year.[40]

Recodification, reorganization, and miscellaneous changes

The bill reorganizes and moves the codified location of various R.C. Chapter 955 provisions, including provisions governing criminal penalties.[41]

The bill clarifies that each of the following prohibitions are strict liability offenses:

1. Failure to register any dog with the county auditor;[42]

[38] R.C. 955.60.

[39] See Ohio Administrative Code 3701-3-28.

[40] R.C. 955.61.

[41] R.C. 955.99, repealed; and recodification of the majority of R.C. Chapter 955.

[42] R.C. 955.02(H).

2. Failure to register a dog kennel;[43]
3. Failure to require a dog to wear a valid tag;[44] and
4. Failure to comply with the requirements governing the sale or transfer of a dog.[45]

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.[46]
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.[47] 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.

Avery's Law

The bill is named "Avery's Law" in honor of Avery Russell, who was severely injured in a dog attack in Reynoldsburg, Ohio in June 2024, when she was 11 years old.[48]

HISTORY

Action	Date
Introduced	04-29-25
Reported, H. Public Safety	06-18-25
Passed House (97-0)	06-18-25
Reported, S. Judiciary	-------

ANHB0247RS-136/sb

[43] R.C. 955.04(B).

[44] R.C. 955.09(A).

[45] R.C. 955.11(D).

[46] R.C. 955.51 to 955.52, repealed.

[47] R.C. 955.22(B) and 955.99(E)(1), repealed.

[48] Section 5.