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Bill Analysis

Legislative Service Commission

H.B. 533

126th General Assembly
(As Introduced)

**Reps. Webster, Combs, J. McGregor, Reidelbach, Fessler, Coley, Otterman,
Latta, Allen, Walcher**

BILL SUMMARY

- Removes pit bulls from the definition of "vicious dog" in state law.
- Authorizes the adoption of local ordinances or resolutions that define "dangerous dog" and "vicious dog" more broadly than state law defines those terms.

CONTENT AND OPERATION

Definition of "vicious dog" in state law

Current law defines "dangerous dog" and "vicious dog" and requires owners, keepers, and harborers of dangerous or vicious dogs to satisfy certain requirements regarding transfer, confinement, and restraint of the dogs and liability insurance that do not apply to dogs that are not dangerous or vicious (secs. 955.11 and, not in the bill, 955.22). "Vicious dog" means a dog that, without provocation and subject to the exceptions described below, meets any of the following criteria: (1) has killed or caused serious injury to any person, (2) has caused injury, other than killing or serious injury, to any person, or has killed another dog, or (3) belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of a pit bull dog is prima-facie evidence of the ownership, keeping, or harboring of a vicious dog.¹ "Vicious dog" does not include either of the following: (1) a police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury,

¹ *An Ohio Attorney General Opinion states that "Prima facie evidence . . . is evidence which establishes a fact in issue, unless overcome by other evidence to the contrary Consequently, the ownership, keeping, or harboring of a pit bull dog is evidence sufficient to establish that an individual is the owner, keeper, or harbinger of a vicious dog, unless overcome by other evidence to the contrary." O.A.G. 89-091.*

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, or (2) 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 harbinger of the dog. (Sec. 955.11(A)(4).)

The bill eliminates pit bulls from the definition of "vicious dog" and likewise eliminates the language stating that the ownership, keeping, or harboring of a pit bull dog is prima-facie evidence of the ownership, keeping, or harboring of a vicious dog (sec. 955.11(A)(4)(a)(iii)). Thus, under the bill, a pit bull would be classified as a vicious dog based only on its behavior rather than on its breed.

Local ordinances or resolutions governing dogs

Current law authorizes a board of county commissioners to adopt and enforce resolutions to control dogs within the unincorporated areas of the county that are not otherwise in conflict with any other provision of state statutory law. A municipal corporation likewise may adopt and enforce ordinances to control dogs within the municipal corporation that are not otherwise in conflict with state statutory law. A board of township trustees may adopt and enforce resolutions to control dogs within the township that are not otherwise in conflict with any other provision of state statutory law if the township is located in a county where the board of county commissioners has not adopted resolutions to control dogs within the unincorporated areas of the county. If the board of county commissioners adopts resolutions to control dogs in the county after a board of township trustees has adopted resolutions to control dogs within the township, the resolutions adopted by the board of county commissioners prevail over the resolutions adopted by the board of township trustees. (Sec. 955.221(B).)

Current law specifies that local resolutions or ordinances to control dogs include, but are not limited to, ordinances or resolutions concerned with the ownership, keeping, or harboring of dogs, the restraint of dogs, dogs as public nuisances, and dogs as a threat to public health, safety, and welfare. Under current law, such ordinances or resolutions cannot prohibit the use of any dog that lawfully is engaged in hunting or training for the purpose of hunting while accompanied by a licensed hunter. The bill specifies that such ordinances or resolutions to control dogs may define "dangerous dog" or "vicious dog" more broadly than those terms are defined in state statutory law and that such expanded definitions cannot be considered to be in conflict with state statutory law. (Sec. 955.221(A).)

HISTORY

ACTION

DATE

Introduced

03-14-06

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