



## Ohio Revised Code

### Section 955.23 Prohibition against failure of duty by dog warden.

Effective: March 20, 2026

Legislation: House Bill 247

---

(A) As used in this section, "authorized person" means a person who is authorized to enforce this chapter.

(B) If a dog warden or other authorized person has probable cause to believe that a dog in the person's jurisdiction committed a nuisance dog act, dangerous dog act, or vicious dog act, the person shall proceed as follows:

(1)(a) If the dog warden or other authorized person determines that it is safe to have that dog remain in the custody of the dog's owner, keeper, or harborer and the dog's act did not result in the killing of a person or serious injury to a person, the dog warden or authorized person may designate the dog as a nuisance dog, dangerous dog, or vicious dog. Upon such designation, the dog warden or other authorized person shall notify the owner, keeper, or harborer of that dog, by certified mail or in person, of both of the following:

(i) That the dog warden or other authorized person has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable;

(ii) 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 court that has territorial jurisdiction over the location where the alleged act occurred.

(b) If the owner, keeper, or harborer of the dog disagrees with the designation, the owner, keeper, or harborer, not later than ten calendar 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 court specified in the notice.

(2) If the dog warden or other authorized person holds or intends to hold the dog in custody in accordance with division (F)(2) of this section, the dog warden or other authorized person shall



petition the court that has territorial jurisdiction over the location where the alleged act occurred to hold a hearing to determine whether the court shall issue an order designating the dog in accordance with this section and determine the disposition of the dog.

(C) The court, not later than ten calendar days after receiving the hearing request described in division (B)(1)(b) of this section or the petition described in division (B)(2) of this section shall hold the hearing and, at the conclusion of the hearing, issue a final determination concerning whether the dog shall be designated a nuisance, dangerous, or vicious dog and the disposition of the dog. At the hearing, the person who petitioned the court or designated the dog, as applicable, 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.

(D) For purposes of this section, 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.

(E) 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.

(F)(1) If the dog warden or other authorized person has probable cause to believe that a dog in the person's jurisdiction committed a nuisance dog act, dangerous dog act, or vicious dog act and the dog warden or authorized person determines that it is safe to have the dog remain in the custody of the dog's owner, keeper, or harborer, the dog shall be held in the possession of the owner, keeper, or harborer during the pendency of any hearing conducted under this section or during the pendency of an appeal.

Until the court makes a final determination and during the pendency of any appeal, the dog shall be confined or restrained in accordance with the provisions of division (A) of section 955.24 of the Revised Code. The owner, keeper, or harborer of the dog shall not be required to comply with any other requirements established in the Revised Code that concern a nuisance dog, dangerous dog, or vicious dog, as applicable, until the court makes a final determination and during the pendency of any appeal.



(2) If the dog warden or other authorized person has probable cause to believe that a dog in the person's jurisdiction committed a nuisance dog act, dangerous dog act, or vicious dog act, during the pendency of a court's determination or appeal under this section, the dog shall be held in the custody of the dog warden or authorized person if one or both of the following occurs:

- (a) The dog warden or authorized person determines that it is not safe to have the dog remain in the custody of the dog's owner, keeper, or harborer after the commission of the alleged act.
- (b) The dog's act killed a person or caused serious injury to a person.

While the dog is being so held, the cost of the holding is the responsibility of the dog's owner, keeper, or harborer. However, the dog's owner, keeper, or harborer shall not be responsible for such costs if the court does not determine that the dog be designated as a nuisance, dangerous, or vicious dog.

(G)(1) Except as provided in division (G)(2) of this section, the court may order a dog that is designated as a dangerous or vicious dog in accordance with this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense.

(2) The court shall order a dog that is designated in accordance with this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense if the court determines that the dog killed a person or caused serious injury to a person that results in one of the following:

- (a) Substantial risk of death;
- (b) Permanent incapacity;
- (c) Serious permanent disfigurement;
- (d) Acute pain of a duration that results in substantial suffering.



(H) The court may order a dog that is designated as a nuisance dog in accordance with this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense if the court finds that the dog injured another dog or attempted to bite a person and such attempt resulted in the injury of the person.