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June 18, 2012

Dear Senator Frosh and Delegate Anderson,

Thank you for the opportunity to submit our comments on the issue before you resulting from *Tracey v. Solesky* relating to mixed breed dogs.

The National Association of Mutual Insurance Companies (NAMIC) is the largest and most diverse national property/casualty insurance trade and political advocacy association in the United States. Its 1,400 member companies write all lines of property/casualty insurance business and include small, single-state, regional, and national carriers accounting for 50 percent of the automobile/ homeowners market and 31 percent of the business insurance market. NAMIC has been advocating for a strong and vibrant insurance industry since its inception in 1895. NAMIC's member companies account for 45 percent of the total P&C insurance market in Maryland.

As we interpret the *Tracey v. Solesky* case, virtually any dog that possibly has a distant relation to a pit bull could be found to be covered by the *Tracey* decision and thus causes any property owner who rents to pet-owners to come under the strict liability standard. This scenario will not only put Maryland out of step with the rest of the country, it may restrict housing options for Maryland citizens.. In a word, the case just reaches too far.

As your committee may be charged with finding a legislative solution, NAMIC encourages you to review our attached grid (incl.) that explains relevant statutes in other states. We ask Maryland lawmakers to be as consistent as possible with the rest of the country as it relates to dangerous dogs. As such, we recommend introducing special session legislation that reverts back to Maryland's common law treatment before the *Tracey* decision. Then, if the legislature wants to fully vet the issue and change the statute on dangerous dogs it can do so in the full 2013 session.

NAMIC stands ready to be of assistance to the committee as you examine this issue. If we may provide more information or testimony please feel free to contact us.

Sincerely,



Erin Collins
State Affairs Manager
Incl. (NAMIC Compliance Grid- Dangerous Dog Statutes)



COMPLIANCE GRID

DANGEROUS DOG STATE STATUTES

(May 22, 2012)

This Compliance Grid is provided as a reference tool to enable members of the National Association of Mutual Insurance Companies (NAMIC) to readily identify dangerous dog statutes in the states. This chart is for use as a convenient tool for our members, and is not intended, and should not be considered to be, legal advice. Please consult your legal representatives.

State	Citation	Definition of Dangerous, Vicious Dogs	Relevant Provision
Alabama	Ala. Code § 3-1-3	Statute does not specifically define a vicious or dangerous dog.	When any person owns or keeps a vicious or dangerous animal of any kind and, as a result of his careless management of the same or his allowing the same to go at liberty, and another person, without fault on his part, is injured thereby, such owner or keeper shall be liable in damages for such injury.
Alaska	Alaska Stat. §§ 03.55.010 to 03.55.070	Any dog which when unprovoked has ever bitten or attacked a human being is considered vicious within the meaning of AS 03.55.010.	Any person may lawfully kill any vicious or mad dog running at large.
Arizona	Ariz. Rev. Stat. § 11-1014-01	Statute does not specifically define a vicious or dangerous dog.	A person who owns or who is responsible for the care of an aggressive dog shall take reasonable care to: 1. Prohibit the dog from escaping to the outside of a residence or an enclosed area, yard or structure. 2. Control the dog in a manner that prevents the dog from biting or attacking a person or domestic animal at all times while the dog is off the owner's or responsible person's property.
Arkansas	Ark. Code Ann. § 20-19-307	Statute does not specifically define a vicious or dangerous dog.	Whenever the health authorities, county sheriff's office, or municipal police officers in cooperation with health authorities receive information that any person has been bitten by a dog or cat or other animal, these local public officials acting in cooperation shall have the dog or other animal confined and observed. (This relates to rabies cases only).
California	Cal. Food & Agric. Code §§ 31601 to 31683	"Vicious dog" means any of the following: (a) Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code. (b) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being. (c) Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of	Any violation of this chapter involving a potentially dangerous dog shall be punished by a fine not to exceed \$500. Any violation of this chapter involving a vicious dog shall be punished by a fine not to exceed \$1,000. All fines paid pursuant to this article shall be paid to the city or county in which the violation occurred for the purpose of defraying the cost of the implementation of this chapter.

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		this determination, continues the behavior described in Section 31602 or is maintained in violation of Section 31641, 31642, or 31643.	
Colorado	Colo. Rev. Stat. § 18-9-204,5	"Dangerous dog" means any dog that: (I) Inflicts bodily or serious bodily injury upon or causes the death of a person or domestic animal; or (II) Demonstrates tendencies that would cause a reasonable person to believe that the dog may inflict bodily or serious bodily injury upon or cause the death of any person or domestic animal; or (III) Engages in or is trained for animal fighting as described and prohibited in section 18-9-204.	A person commits ownership of a dangerous dog if such person owns, possesses, harbors, keeps, has a financial or property interest in, or has custody or control over a dangerous dog. (b) Any owner who violates paragraph (a) of this subsection (3) whose dog inflicts bodily injury upon any person commits a class 3 misdemeanor. Any owner involved in a second or subsequent violation under this paragraph (b) commits a class 2 misdemeanor. Additional penalties described in the statute.
Connecticut	Conn. Gen. Stat. § 22-357	Statute does not specifically define a vicious or dangerous dog.	If any dog does any damage to either the body or property of any person, the owner or keeper, or, if the owner or keeper is a minor, the parent or guardian of such minor, shall be liable for such damage, except when such damage has been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, was under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action.
Delaware	Del. Code Ann. tit. 9, §§ 920 to 928	"Dangerous dog" shall mean any dog declared to be dangerous by the Panel pursuant to § 925 of this title or any potentially dangerous dog kept or maintained in violation of § 926(b) of this title.	Any dog declared dangerous pursuant to § 925(a) of this title, which, after having been declared dangerous, kills, attacks or inflicts physical injury or serious physical injury, without provocation upon a human being or domestic animal, shall be seized and impounded by the animal control agency and disposed of by euthanasia in accordance with Chapter 80 of Title 3.
D. C.	D.C. Code Ann. §§ 8-1901 to 1908	Dangerous dog" means any dog that without provocation: (i) Causes a serious injury to a person or domestic animal; or (ii) Engages in behavior described in paragraph (4)(A)(i) of this section subsequent to having been determined to be a potentially dangerous dog pursuant to § 8-1902.	An owner of a dangerous or potentially dangerous dog who violates the provisions of § 8-1904 or § 8-1905 shall, upon conviction, be guilty of a misdemeanor and be subject to a fine not to exceed \$500, imprisonment not to exceed 90 days, or both for a first offense, and a fine not to exceed \$1,000, imprisonment not to exceed 90 days, or both for a second or subsequent offense. Prosecutions for violations of § 8-1904 or § 8-1905 pursuant to this subsection shall be brought in the name of the District of Columbia in the Superior Court of the District of Columbia by the Office of the Attorney General for the District of Columbia. (b) An owner of a potentially dangerous or dangerous dog that causes serious injury to or kills a human being or a domestic animal without provocation shall be fined up to \$10,000.
Florida	Fla. Stat. Ann. §§ 716.11 to 716.13	Dangerous dog" means any dog that according to the records of the appropriate authority: (a) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property; (b) Has more than once severely injured or killed a domestic animal while off the owner's property; or (c) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing	If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under s. 767.12. The owner shall be responsible for payment of all

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		fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.	boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
Georgia	Ga. Code Ann. §§ 4-8-20 to 4-8-30	"Dangerous dog" means any dog that, according to the records of an appropriate authority: (A) Inflicts a severe injury on a human being without provocation on public or private property at any time after March 31, 1989; or (B) Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.	The owner of a dangerous dog who violates the applicable provisions of Code Section 4-8-25 or Code Section 4-8-26 or whose dangerous dog is subject to confiscation under subsection (a) of Code Section 4-8-27 shall be guilty of a misdemeanor of high and aggravated nature. In addition to any confinement that might be imposed for a conviction under this subsection, for the second conviction a fine of not less than \$500 shall be imposed and for a third or subsequent conviction a fine of not less than \$750 shall be imposed. Additional penalties outlined in the statute.
Hawaii	Haw. Rev. Stat. §§ 143.1 to 143.19	Statute does not specifically define a vicious or dangerous dog.	Statutes don't address any penalties for a dangerous or vicious dog.
Idaho	Idaho Code § 25.2805	Statute does not specifically define a vicious or dangerous dog.	Any dog which, when not physically provoked, physically attacks, wounds, bites or otherwise injures any person who is not trespassing, is vicious. It shall be unlawful for the owner or for the owner of premises on which a vicious dog is present to harbor a vicious dog outside a secure enclosure. A secure enclosure is one from which the animal cannot escape and for which exit and entry is controlled by the owner of the premises or owner of the animal. Any vicious dog removed from the secure enclosure must be restrained by a chain sufficient to control the vicious dog. Persons guilty of a violation of this subsection, and in addition to any liability as provided in section 25-2806, Idaho Code, shall be guilty of a misdemeanor. For a second or subsequent violation of this subsection, the court may, in the interest of public safety, order the owner to have the vicious dog destroyed or may direct the appropriate authorities to destroy the dog.
Illinois	55 ILCS 5/5-10671.1	Statute does not specifically define a vicious or dangerous dog.	Illinois gives counties the authority for regulating "dangerous" or "vicious" dogs.
Indiana	Ind. Code § 15-20-2.1	Statute does not specifically define a vicious or dangerous dog.	If a dog kills or injures any livestock while the livestock is in the care, custody, and control of the livestock's owner or the owner's agent, the owner or harbinger of the dog is liable to the owner of the livestock for all damages sustained, including reasonable attorney's fees and court costs.
Iowa	Iowa Code §§351.25 to 351.43	Statute does not specifically define a vicious or dangerous dog.	The owner of a dog shall be liable to an injured party for all damages done by the dog, when the dog is caught in the action of worrying, maiming, or killing a domestic animal, or the dog is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. This section does not apply to damage done by a dog affected with hydrophobia unless the owner of the dog had reasonable grounds to know that the dog was afflicted with hydrophobia and by reasonable effort might have prevented the injury.
Kansas	Kan. Stat. Ann. §§ 47.1701 to 47.1737	Statute does not specifically define a vicious or dangerous dog.	In addition to or in lieu of any other civil or criminal penalty provided by law, the commissioner, upon a finding that a person has violated or failed to comply with any provision of the Kansas pet animal act or any rule and regulation adopted hereunder, may impose on such person a civil fine not exceeding \$1,000 for each violation or requirement to attend an educational course regarding animals and their care and treatment.

State	Citation	Definition of Dangerous, Vicious Dogs	Relevant Provision
Kentucky	Ky. Rev. Stat. Ann. § 258.235	Any dog determined to be vicious by a court and allowed to be returned to an owner shall be confined in a locked enclosure at least seven (7) feet high or a locked kennel run with a secured top. The dog may leave the enclosure only to visit the veterinarian or to be turned in to an animal shelter. The dog shall be muzzled if leaving the enclosure for either of these purposes.	Any person who has been attacked by a dog, or anyone acting on behalf of that person, may make a complaint before the district court, charging the owner or keeper of the dog with harboring a vicious dog. A copy of the complaint shall be served upon the person so charged in the same manner and subject to the laws regulating the service of summons in civil actions directing him to appear for a hearing of the complaint at a time fixed in the complaint. If the person fails to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the court finds the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, the person shall be subject to the penalties set forth in KRS 258.990(3)(b), and the court shall further order the owner or keeper to keep the dog securely confined as provided by subsection (3) of this section, or the court may order the dog to be destroyed. The animal control officer shall act as an officer of the court for the enforcement of any orders of the court in his jurisdiction pertaining to this subsection.
Louisiana	La. Rev. Stat. Ann. § 2652	Statute does not specifically define a vicious or dangerous dog.	Any owner, harbinger, or possessor of any dog that kills, harasses, or wounds livestock shall be liable to the owner of the livestock for the damages sustained, to be recovered before any court of competent jurisdiction.
Maine	Me. Rev. Stat. Ann. tit. 7, § 3907;	Dangerous dog” means a dog or wolf hybrid that bites an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner’s or keeper’s premises at the time of the bite or a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner’s or keeper’s premises and is acting in a reasonable and nonaggressive manner to fear imminent bodily injury by assaulting or threatening to assault that individual or individual’s domestic animal. “Dangerous dog” does not include a dog certified by the State and used for law enforcement use. “Dangerous dog” does not include a dog or wolf hybrid that bites or threatens to assault an individual who is on the dog or wolf hybrid owner’s or keeper’s premises if the dog or wolf hybrid has no prior history of assault and was provoked by the individual immediately prior to the bite or threatened assault.	person who owns or keeps a dangerous dog commits a civil violation for which the court shall adjudge a fine of not less than \$250 and not more than \$1,000, plus costs, none of which may be suspended.
Maryland	Md. Ann. Code art. 23, §11-508	Statute does not specifically define a vicious or dangerous dog.	The governing body of a county may provide by local law or ordinance for the compensation of any person whose sheep, poultry, or livestock is destroyed or injured by a dog. If the owner of the dog doing the damage be known, it is the duty of the county governing body to notify the owner to kill the dog immediately. If the owner refuses or neglects to kill the dog upon notice, the owner shall be liable for the damages to the same extent as the owner would be liable in case of negligence or malicious destruction of property. The county governing body may have special officers kill the dog.
Massachusetts	Mass. Gen. Laws ch. 140, §§ 155 to 174	Statute heading talks about a vicious dog, but does not define the animal.	If any dog shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage, unless such damage shall have been

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			occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, is under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action.
Michigan	Mich. Comp. Laws §§ 287.321 to 287.323	“Dangerous animal” means a dog or other animal that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous animal does not include any of the following: (i) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal’s owner. (ii) An animal that bites or attacks a person who provokes or torments the animal.(iii) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.	The owner of an animal that meets the definition of a dangerous animal in section 1(a) that causes the death of a person is guilty of involuntary manslaughter, punishable under section 321 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.321 of the Michigan Compiled Laws. (2) If an animal that meets the definition of a dangerous animal in section 1(a) attacks a person and causes serious injury other than death, the owner of the animal is guilty of a felony, punishable by imprisonment for not more than 4 years, a fine of not less than \$2,000 or community service work for not less than 500 hours, or any combination of these penalties.
Minnesota	Minn. Stat. §§ 347.50 to 347.56	Dangerous dog” means any dog that has: (1) without provocation, inflicted substantial bodily harm on a human being on public or private property; (2) killed a domestic animal without provocation while off the owner's property; or (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.	a) A person who violates a provision of section 347.51, 347.515, or 347.52 is guilty of a misdemeanor. (b) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.
Mississippi	Miss. Code Ann. § 95-5-19	Statute does not specifically define a vicious or dangerous dog.	The owner, or the immediate family, employee or agent of the owner, of any poultry or livestock, including cattle, horses, mules, jacks, jennets, sheep, goats and hogs, may kill any dog in the act of chasing or killing any such poultry or livestock, and any such person shall not be liable therefor to the owner of the dog.
Missouri	Mo. Rev. Stat. §73.020	Statute does not specifically define a vicious or dangerous dog.	In every case where sheep or other domestic animals are killed or maimed by dogs, the owner of such animals may recover against the owner or keeper of such dog or dogs the full amount of damages and the owner shall forthwith kill such dog or dogs; and for every day he shall refuse or neglect to do so, after notice, he shall pay and forfeit the sum of one dollar, and it shall be lawful for any person to kill such dog or dogs; provided, however, that whenever in any case the facts shall show that in the worrying or killing, maiming or wounding of any said sheep or other domestic animals that the same was done by two or more dogs belonging to different owners, then the plaintiff, the person whose animals were killed, wounded or maimed, may at his or her election, join all of the owners of said dogs as joint tort-feasors or may sue each one separately at his or her election.

State	Citation	Definition of Dangerous, Vicious Dogs	Relevant Provision
Montana	Mont. Code Ann. § 7-23-2109	A "vicious dog" is defined as one which bites or attempts to bite any human being without provocation or which harasses, chases, bites, or attempts to bite any other animal. The term "animal" includes all livestock and any domestic pet.	(1) The county governing body may regulate, restrain, control, kill, or quarantine any vicious dog, whether such dog is licensed or unlicensed, by the adoption of an ordinance which substantially complies with the provisions of 7- 5-103 through 7-5-107. (2) A violation of any ordinance established as provided in subsection (1) is a misdemeanor.
Nebraska	Neb. Rev. Stat. §§ 54-617 to 54-624	Dangerous dog means a dog that, according to the records of an animal control authority: (i) Has killed a human being; (ii) has inflicted injury on a human being that requires medical treatment; (iii) has killed a domestic animal without provocation; or (iv) has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice from an animal control authority or an animal control officer of such determination, and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.	Any owner whose dangerous dog inflicts on a human being a serious bodily injury as defined in section 28-109 is guilty of a Class I misdemeanor for the first offense and a Class IV felony for a second or subsequent offense, whether or not the same dangerous dog is involved.
Nevada	Nev. Rev. Stat. § 202.500	As used in this section, a dog is: (a) "Dangerous" if: (1) It is so declared pursuant to subsection 2; or (2) Without provocation, on two separate occasions within 18 months, it behaves menacingly, to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog is: (I) Off the premises of its owner or keeper; or (II) Not confined in a cage, pen or vehicle. (b) "Provoked" when it is tormented or subjected to pain. Statute also has definition for a "vicious" dog.	A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper. A dog may not be found dangerous or vicious because of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.
New Hampshire	N.H. Rev. Stat. Ann. §§ 466.31,	A dog is considered to be a nuisance, a menace, or vicious to persons or to property under any or all but not limited to the following conditions: If a dog is "at large," which means it is off the premises of the owner or keeper; If it barks for sustained periods of more than 1/2 hour, or during the night hours; If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's; If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper; If it growls, snaps at, runs after, or chases any person or persons not on the premises of the owner or keeper; If it runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways; or If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.	Any person who violates any provision of RSA 466:31 shall be guilty of a violation; provided that if such person chooses to pay the civil forfeiture specified in paragraph II, the person shall be deemed to have waived the right to have the case heard in district or municipal court and shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture specified in paragraph II shall have the case disposed of in district or municipal court. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer or other person authorized by the town to the owner or keeper of a dog in violation of RSA 466:31. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty.

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New Jersey	N.J. Stat. Ann. §§ 4:19-16 to 4:19-43	Potentially dangerous dog" means any dog or dog hybrid declared potentially dangerous by a municipal court pursuant to section 7 of P.L.1989, c. 307 (C. 4:19-23)."Vicious dog" means any dog or dog hybrid declared vicious by a municipal court pursuant to section 6 of P.L.1989, c. 307 (C. 4:19-22).	The department of health shall promulgate regulations establishing a uniform Statewide system for municipal registration of potentially dangerous dogs. The regulations shall assign each municipality or other authority registering potentially dangerous dogs a three number code. This three number code shall comprise the last three digits of each registration number issued by that municipality or authority for potentially dangerous dogs and shall be preceded on each dog's identification by a number sequentially issued by the municipality.
New Mexico	N.M. Stat. Ann. §§ 77-1A-1 to 77-1A-6	"Dangerous dog" means a dog that caused a serious injury to a person or domestic animal. "Potentially dangerous dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by the following behaviors: (1) causing an injury to a person or domestic animal that is less severe than a serious injury; (2) chasing or menacing a person or domestic animal in an aggressive manner and without provocation; or (3) acting in a highly aggressively manner within a fenced yard or enclosure and appearing able to jump out of the yard or enclosure.	An owner of a dangerous or potentially dangerous dog that causes serious injury or death to a domestic animal, without provocation, is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978. An owner of a dangerous or potentially dangerous dog that causes serious injury to a human being, without provocation, is guilty of a third degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978. An owner of a dangerous or potentially dangerous dog that causes the death of a human being, without provocation, is guilty of a third degree felony resulting in the death of a human being and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.
New York	N.Y. Agric. & Mkts Law §§ 108 (24a), 123	"Dangerous dog" means any dog which (i) without justification attacks a person, companion animal as defined in subdivision five of section three hundred fifty of this chapter, farm animal as defined in subdivision four of section three hundred fifty of this chapter or domestic animal as defined in subdivision seven of this section and causes physical injury or death, or (ii) behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or (iii) without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death.	The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a person causing serious physical injury shall be subject to a civil penalty not to exceed \$1,000 in addition to any other applicable penalties. Any such penalty may be reduced by any amount which is paid as restitution by the owner of the dog to the person or persons suffering serious physical injury as compensation for unreimbursed medical expenses, lost earnings and other damages resulting from such injury. The owner of a dog who, through any act or omission, negligently permits his or her dog, which had previously been determined to be dangerous pursuant to this article, to bite a person causing serious physical injury, shall be guilty of a misdemeanor punishable by a fine of not more than \$3,000, or by a period of imprisonment not to exceed 90 days, or by both such fine and imprisonment in addition to any other applicable penalties. Any such fine may be reduced by any amount which is paid as restitution by the owner of the dog to the person or persons suffering serious physical injury as compensation for unreimbursed medical expenses, lost earnings and other damages resulting from such injury.
North Carolina	N.C. Gen. Stat. §§ 67-4.1 to 67-4.5	"Dangerous dog" means a. A dog that: 1. Without provocation has killed or inflicted severe injury on a person; or 2. Is determined by the person or Board designated by the county or municipal authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subdivision (2) of this subsection.b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.	The owner of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of \$100 shall be guilty of a Class 1 misdemeanor.

State	Citation	Definition of Dangerous, Vicious Dogs	Relevant Provision
North Dakota	N.D. Cent. Code § 42-03-01	Statute does not specifically address a vicious or dangerous dog.	Any dog that habitually molests a person traveling peaceably on the public road or street is a public nuisance. Upon written complaint to a district or municipal judge describing the dog, giving the name of the dog and the dog's owner if known, and, if not, so stating, and alleging that the dog is a public nuisance, the district or municipal judge shall give notice to the dog's owner that a complaint has been filed that the dog has been molesting certain persons and that the owner shall take the necessary action to prevent the dog from any further violations of this chapter. If the district or municipal judge receives a further complaint regarding the dog after notice has been given under this section, the judge shall issue a summons, if the owner is known, commanding the owner to appear before the judge in the same manner as other court summonses.
Ohio	Oho Rev. Code Ann. §§ 955.22 to 955.42	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. 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: (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; (2) Keep the dog under the reasonable control of some person. Definition applies to both "dangerous" or "vicious" dogs.	If the owner of the dog causing the loss or injury described in section 955.29 of the Revised Code is known, the county prosecutor shall bring an action to recover from the owner of the dog whatever compensation is paid from the dog and kennel fund for the loss or injury if in the prosecutor's judgment the damage can be collected.
Oklahoma	Okla. Stat. tit. 4, §§ 44 to 47	"Dangerous dog" means any dog that: a. has inflicted severe injury on a human being without provocation on public or private property, b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, or c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter attacks a dog which results in the death of said dog either on public or private property.	It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure as defined by Section 44 of this title, unless the dog is muzzled and restrained by a substantial chain or leash and remains under the physical restraint of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. B. Potentially dangerous or dangerous dogs may be regulated through local, municipal and county authorities, provided the regulations are not breed specific. Nothing in this act shall prohibit such local governments from enforcing penalties for violation of such local laws.
Oregon	Or. Rev. Stat. § 609.098	As used in this section, "dangerous dog" means a dog that: (a) Without provocation and in an aggressive manner inflicts serious physical injury, as defined in ORS 161.015, on a person or kills a person; (b) Acts as a potentially dangerous dog, as defined in ORS 609.035, after having previously committed an act as a potentially dangerous dog that resulted in the keeper being found to have violated ORS 609.095; or (c) Is	A person commits the crime of maintaining a dangerous dog if the person is the keeper of a dog and the person, with criminal negligence, fails to prevent the dog from engaging in an act described in subsection (1) of this section. Maintaining a dangerous dog is punishable as described in ORS 609.990.

State	Citation	Definition of Dangerous, Vicious Dogs	Relevant Provision
Pennsylvania	Pa. Stat. Ann. tit. 3, §§ 459.101 to 459.1205	used as a weapon in the commission of a crime. "Dangerous dog." A dog determined to be a dangerous dog under section 502-A. [FN3].	It is unlawful for an owner or keeper of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal or from destroying property with its teeth.
Rhode Island	R.I. Gen. Laws §§ 4-13.1-1 to 4-13.1-15	"Vicious dog" means: (i) Any dog that, when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; (ii) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals; (iii) Any dog that bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property; or (iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.	All dogs that have been declared vicious shall be confined in an enclosure. It is unlawful for any owner or keeper to maintain a dog that has been declared vicious upon any premises which does not have a locked enclosure. (b) It is unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or to comply with commands or directions of the dog officer with respect to the vicious dog, or to comply with the provisions of § 4-13.1-3(a)(1) or (a)(2). In this event, the vicious dog shall be securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.
South Carolina	S.C. Code Ann. §§ 47-3-710 to 47-3-770	"Dangerous animal" means an animal of the canine or feline family: (1) which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals;(2) which: (a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by Section 47-3-720; or (b) commits unprovoked acts in a place other than the place where the animal is confined as required by Section 47-3-720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being; (3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.	A person who violates Section 47-3-720 or 47-3-730 or subsection (E) of this section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than two hundred dollars or imprisoned not more than thirty days and, upon conviction of a subsequent offense, must be fined one thousand dollars none of which may be suspended or remitted. (B) A person who is the owner of a dangerous animal which attacks and injures a human being in violation of Section 47-3-710(A)(2)(a) or a person who violates Section 47-3-740:(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years.
South Dakota	S.D. Codified Laws §§40-34-13 to 40-34-15	A vicious dog is: (1) Any dog which, when unprovoked, in a vicious or terrorizing manner approaches in apparent attitude of attack, or bites, inflicts injury, assaults, or otherwise attacks a human being upon the streets, sidewalks, or any public grounds or places; or (2) Any dog which, on private property, when unprovoked, in a vicious or terrifying manner approaches in apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman,	Any person owning or keeping a vicious dog has committed a public nuisance and is subject to the provisions of §§ 21-10-5 and 21-10-9.

State	Citation	Definition of Dangerous, Vicious Dogs	Relevant Provision
		delivery man, or other employed person who is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner of such private property.	
Tennessee	Tenn. Code Ann. § 44-17-201	Statute does not specifically address a vicious or dangerous dog.	Where any dog shall kill, or in any manner damage, any livestock in this state, the owner or harbinger of such dog shall be liable, in an action for damage, to the owner of such livestock.
Texas	Tex. Health & Safety Code Ann. §§ 822.041 to 822.047	"Dangerous dog" means a dog that: (A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or (B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.	a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with Section 822.042 or Section 822.0422(b) or an applicable municipal or county regulation relating to dangerous dogs. (b) Except as provided by Subsection (c), an offense under this section is a Class C misdemeanor. (c) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this section.
Utah	Utah Code Ann. § 18-1-1	Statute does not specifically address a vicious or dangerous dog.	1) Every person owning or keeping a dog is liable in damages for injury committed by the dog, and it is not necessary in the action brought therefor to allege or prove that the dog was of a vicious or mischievous disposition or that the owner or keeper of the dog knew that it was vicious or mischievous.
Vermont	Vt. Stat. Ann. tit. 20, § 3546	Statute does not specifically address a vicious or dangerous dog.	(a) When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the legislative body of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation required by subsection (b) of this section. (b) The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.
Virginia	Va. Code Ann. §§ 3.2-6540 to 3.2-6542	"Dangerous dog" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. When a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous: (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite; (ii) if both animals are owned by the same person; (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian; or (iv) for other good	The Commissioner shall establish the Commonwealth of Virginia Dangerous Dog Registry to be maintained by the Department, Office of Veterinary Services. Each owner of any canine or canine crossbreed found by any appropriate court to be a dangerous dog shall be required to register the animal as a dangerous dog within 45 days of such finding.

State	Citation	Definition of Dangerous, Vicious Dogs	Relevant Provision
		cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community. The statute also defines a "vicious dog."	
Washington	Wash. Rev. Code §§ 16.08.070 to 16.08.100	"Dangerous dog" means any dog that (a) inflicts severe injury on a human being without provocation on public or private property, (b) kills a domestic animal without provocation while the dog is off the owner's property, or (c) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans.	Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) Dog is not validly registered under RCW 16.08.080; (b) owner does not secure the liability insurance coverage required under RCW 16.08.080; (c) dog is not maintained in the proper enclosure; or (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. The owner must pay the costs of confinement and control.
West Virginia	W. Va. Code Ann. § 19-20-13	Statute does not specifically address a vicious or dangerous dog	Any owner or keeper of any dog who permits such dog to run at large shall be liable for any damages inflicted upon the person or property of another by such dog while so running at large.
Wisconsin	Wis. Stat. Ann. § 174.02	Statute does not specifically address a vicious or dangerous dog	Subject to s. 895.045 and except as provided in s. 895.57(4), the owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property.
Wyoming	Wyo. Stat. Ann. § 11-31-105	Statute does not specifically address a vicious or dangerous dog	The owner of any dog is liable for all damages that accrue to any person, firm or corporation by reason of the dog killing, wounding, worrying or chasing any sheep or other domestic animals belonging to the person, firm or corporation. If two (2) or more dogs owned by different persons kill, wound, chase or worry any sheep or other domestic animals, the persons are jointly and severally liable for all damage done by the dogs. Any person who harbors about his premises a dog for twenty (20) days shall be taken and held as the owner and is liable for all damages that the dog commits.

An excellent website for references to other state laws dealing with dogs and other animals, go to: www.animallaw.info which is maintained by the Michigan State University College of Law.