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Criminal Penalties for Owners of Dangerous Dogs

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Unless a dog mauls or kills someone—a very rare event—its owner probably won't be charged with a crime. (About 16 people die each year from dog attacks in the United States, according to the Centers for Disease Control and Prevention (http://www.cdc.gov/HomeandRecreationalSafety/Dog-Bites/dogbite-factsheet.html).) In such cases there is almost always evidence that the owner failed to take precaution despite knowing that the dog presented a grave danger to people, usually because the owner had trained the dog to fight or knew of previous unprovoked attacks or very aggressive behavior by the dog.

Great point

Depending on the circumstances and state law, an owner may be charged with anything from letting a vicious dog run loose to manslaughter or even murder. Here are some examples:

- A San Francisco woman was convicted of second-degree murder after the Presa Canario dogs she was walking attacked and killed a woman in the hall of the apartment building they both lived in. Affirming the conviction, the appeals court wrote that the dog's owner knew that the dog that attacked "was a frightening and dangerous animal: huge, untrained and bred to fight" and had endangered others by keeping it. (*People v. Noel*, 128 Cal. App. 4th 1391, 28 Cal. Rptr. 3d 369 (2005).)
- A California woman who ordered her Doberman pinscher to attack someone was convicted of assault with a deadly weapon. (*People v. Nealis*, 232 Cal. App. 3d Supp. 1, 283 Cal. Rptr. 376 (1991).)
- A California court sentenced a dog owner to 90 days in jail and fined him $500 for failing to keep his dog on a leash, as ordered by the county after the dog attacked two people. (San Francisco Chronicle, June 16, 1988.)
- An Ohio man was convicted of failing to confine a vicious dog, a felony in that state. His dogs, an American pit bull terrier and a rottweiler, had attacked and killed a toddler. The pit bull was presumed to be a vicious dog under Ohio law. (*State v. Ferguson*, 76 Ohio App. 3d 747, 603 N.E.2d 345 (1991).)
- In 1987, a Georgia man was convicted of involuntary manslaughter after his three dogs, which he had allowed to run loose, attacked and killed a four-year-old boy. He was sentenced to five years in prison and five years of probation. (One of the conditions of the probation was that he not own any dogs.)
- A California man whose chained dog mauled to death a two-year-old in 1987 was charged with murder. He was convicted of a lesser charge, involuntary manslaughter, and sentenced to three years in prison. ("Pit Bull Owner Handed Three-Year Prison Term," San Francisco Recorder, Feb. 20, 1990.)

As state and local lawmakers have become more concerned about dog attacks, they have passed specific criminal laws aimed at people who allow their dogs to seriously injure people. Florida, for example, has made it a crime to own a dog that "aggressively attacks" someone and causes severe injury or death. If the dog hasn't already been found dangerous under the Florida dangerous dog law, the crime is a misdemeanor; if the dog has been declared dangerous, it's a felony. (Fla. Stat. § 767.13.) In Michigan, if a "dangerous dog" (defined as a dog that bites a person without provocation) kills someone, the owner is guilty of involuntary manslaughter. (Mich. Comp. Laws Ann. § 287.321.) In 1994, a woman whose two dogs had killed her two-year-old nephew, after she left him alone with the dogs, was sentenced to three years' probation under this law. (*People v. Trotter*, 209 Mich. App. 244, 530 N.W.2d 516 (1995).)

It's unusual, but local law may make anyone whose dog bites someone guilty of a crime. A woman in Topeka, Kansas, was charged with violating a city ordinance making it a crime to permit a dog to attack someone. The woman's dog rushed from her garage and bit a mail carrier. The dog owner was found guilty, despite her testimony that the mail carrier had "jammed her arm in the dog's mouth." (*City of Topeka v. Mayer*, 16 Kan. App. 2d 567, 826 P.2d 527, rev. denied (1992).)

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