Dangerous Dogs

3 ways for an owner to learn that he/she is the owner of a dangerous dog, and thus to become subject to requirements.

City/county has adopted ordinance electing to be governed by Section 822.0422:

Any person reports to a county, justice, or municipal court an incident of an unprovoked attack by a dog causing bodily injury or unprovoked acts that would lead a reasonable person to fear a dog will attack and cause bodily injury, both happening outside the dog's reasonably secure enclosure.

Court shall send notice to dog's owner that report has been filed

Owner then has 5 days from receipt of notice to deliver the dog to animal control

OR

If owner fails to deliver the dog after 5 days, court shall issue seizure warrant for the dog

Court shall set hearing to be held not later than 10 days from date dog is seized or delivered and give written notice of the time and place to:

- **The dog's owner or person from whom dog was seized, and**
- **Person who made the complaint**

AT THE HEARING:

Question for the Judge:

Is the dog a dangerous dog according to the statutory definition?

YES → **Owner learns they are the owner of a dangerous dog and becomes subject to requirements (has 30 days to comply)**

Court may order dog remain impounded until court orders disposition after allowing owner a chance to comply

Owner may appeal court's determination in the same manner as appeal for other cases from the justice, county or municipal court

NO → **Presumably, dog shall be released to owner**

Owner learns of an unprovoked attack by a dog causing bodily injury or unprovoked acts that would lead a reasonable person to fear a dog will attack and cause bodily injury, both happening outside the dog's reasonably secure enclosure.

Owner knows he/she is the owner of a dangerous dog and becomes subject to requirements (has 30 days to comply).

A person reports to animal control an incident of an unprovoked attack by a dog causing bodily injury or unprovoked acts that would lead a reasonable person to fear a dog will attack and cause bodily injury, both happening outside the dog's reasonably secure enclosure.

Animal control investigates and receives sworn statements of witnesses and determines the dog is a dangerous dog. Animal control notifies owner that dog is dangerous.

Owner then has 15 days to appeal the animal control determination to the county, justice, or municipal court.

Owner knows they are the owner of a dangerous dog and becomes subject to requirements (has 30 days to comply).

Owner may appeal court's determination in the same manner as appeal for other cases from the justice, county or municipal court

Any person may file an application with the court alleging that a dog is dangerous and that the owner has failed to comply with the requirements of owning a dangerous dog

Court shall set hearing to be held not later than 10 days from date dog is seized or delivered *[question remains as to how dog is seized/delivered in this type of case]* and give written notice of the time and place to:

- **The dog's owner or person from whom dog was seized, and**
- **Person who made the complaint**

AT THE HEARING:

Question for the Judge:

Did the owner fail to comply with the requirements of owning a dangerous dog?

YES → **Court shall order dog be seized and allow owner 10 more days to comply.**

On 11th day, if no compliance, court shall order dog be destroyed.

Owner may appeal court's determination in the same manner as appeal for other cases from the justice, county or municipal court

NO → **Presumably, end of case**

Chapter 822, Subchapter D, Health and Safety Code