

**IC 15-20**

**ARTICLE 20. ANIMAL CONTROL**

**IC 15-20-1**

**Chapter 1. Liability for Dog Bites**

**IC 15-20-1-0.2**

**Repealed**

*(Repealed by P.L.63-2012, SEC.18.)*

**IC 15-20-1-1**

**Political subdivision powers**

Sec. 1. This chapter does not limit the power of an agency of the state or a political subdivision to adopt a rule or an ordinance that does not conflict with this chapter.

*As added by P.L.2-2008, SEC.11.*

**IC 15-20-1-2**

**"Owner"**

Sec. 2. As used in this chapter, "owner" means the owner of a dog. The term includes a person who possesses, keeps, or harbors a dog.

*As added by P.L.2-2008, SEC.11.*

**IC 15-20-1-3**

**Dog bite liability**

Sec. 3. (a) If a dog, without provocation, bites a person:

- (1) who is acting peaceably; and
- (2) who is in a location where the person may be required to be in order to discharge a duty imposed upon the person by:
  - (A) the laws of Indiana;
  - (B) the laws of the United States; or
  - (C) the postal regulations of the United States;

the owner of the dog is liable for all damages suffered by the person bitten.

(b) The owner of a dog described in subsection (a) is liable for damages even if:

- (1) the dog has not previously behaved in a vicious manner; or
- (2) the owner has no knowledge of prior vicious behavior by the dog.

*As added by P.L.2-2008, SEC.11.*

**IC 15-20-1-4**

**Dog bite liability; criminal offense**

Sec. 4. (a) Except as provided in subsection (b), the owner of a dog commits a Class C misdemeanor if:

- (1) the owner recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the dog;
- (2) the dog enters property other than the property of the dog's owner; and
- (3) as the result of the owner's failure to restrain the dog, the

dog bites or attacks another person without provocation, resulting in bodily injury to the other person.

(b) The offense under subsection (a) is:

(1) a Class B misdemeanor if the person has been convicted of one (1) previous unrelated violation of this section;

(2) a Class A misdemeanor if:

(A) the person has been convicted of more than one (1) previous unrelated violation of this section; or

(B) the violation results in serious bodily injury to a person;

(3) a Level 6 felony if the owner recklessly violates this section and the violation results in the death of a person; and

(4) a Level 5 felony if the owner intentionally or knowingly violates this section and the violation results in the death of a person.

(c) This subsection does not apply to a nonaggressive dog that goes beyond the owner's premises onto agricultural or forested land. An owner of a dog commits a Class D infraction if the owner of the dog allows the dog to stray beyond the owner's premises, unless the dog is under the reasonable control of an individual or the dog is engaged in lawful hunting and accompanied by the owner or a custodian of the dog. However, the offense is a Class C infraction if the owner has a prior unrelated judgment for a violation of this subsection.

*As added by P.L.2-2008, SEC.11. Amended by P.L.158-2013, SEC.226.*

#### **IC 15-20-1-5**

##### **Wolf hybrid and coydog liability; criminal offenses**

Sec. 5. (a) The following definitions apply throughout this section:

(1) "Coydog" means:

(A) an animal that is the offspring of a coyote and another animal; or

(B) an animal that is the offspring of:

(i) an animal that is the offspring of a coyote and another animal; and

(ii) another animal.

(2) "Secure enclosure" means an outdoor pen that is:

(A) roofed or that has sides at least six (6) feet tall; and

(B) constructed in such a manner that the type of animal contained within the pen cannot reasonably be expected to escape.

(3) "Wolf hybrid" means:

(A) an animal that is the offspring of a wolf and another animal; or

(B) an animal that is the offspring of:

(i) an animal that is the offspring of a wolf and another animal; and

(ii) another animal.

(b) An owner of a wolf hybrid or coydog shall:

- (1) keep the animal in a building or secure enclosure; or
- (2) keep the animal:
  - (A) under the reasonable control of an individual; and
  - (B) on a leash not more than eight (8) feet in length.

Subject to subsections (c) and (d), an owner who does not comply with this subsection commits a Class B infraction. An owner who merely tethers or chains a coydog or wolf hybrid does not comply with this subsection.

(c) Subject to subsection (d), an owner of a wolf hybrid or coydog commits a Class B misdemeanor if the owner recklessly, knowingly, or intentionally fails to comply with subsection (b) and:

- (1) the wolf hybrid or coydog enters property other than the property of the owner; and
- (2) the wolf hybrid or coydog causes damage to livestock or the personal property of another individual.

(d) The offense under subsection (c) is:

- (1) a Class A misdemeanor if the owner has one (1) prior unrelated conviction under this section;
- (2) a Level 6 felony if:
  - (A) the owner has more than one (1) prior unrelated conviction for a violation under this section; or
  - (B) the owner knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in serious bodily injury to a person; and
- (3) a Level 5 felony if the owner knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in the death of a person.

(e) Notwithstanding IC 36-1-3-8(a), a unit (as defined in IC 36-1-2-23) may adopt an ordinance:

- (1) prohibiting a person from possessing a wolf hybrid or coydog; or
- (2) imposing:
  - (A) a penalty of more than one thousand dollars (\$1,000) up to the limits prescribed in IC 36-1-3-8(a)(10)(B) for a violation of subsection (b); or
  - (B) conditions on the possession of a wolf hybrid or coydog that are more stringent than the provisions of subsection (b).

*As added by P.L.2-2008, SEC.11. Amended by P.L.158-2013, SEC.227.*

#### **IC 15-20-1-6**

##### **Dog bite liability: exceptions**

Sec. 6. An owner of a dog is exempt under section 4 of this chapter if the dog commits an act described in section 4 of this chapter during the period that the dog is owned by:

- (1) the United States;
- (2) an agency of the United States; or
- (3) a governmental entity (as defined in IC 34-6-2-49);

and the dog is engaged in assisting the owner or the owner's agent in the performance of law enforcement or military duties.

*As added by P.L.2-2008, SEC.11.*

**IC 15-20-1-7**

**Impoundment of animals; probable cause**

Sec. 7. If a law enforcement officer or any other person having authority to impound animals has probable cause to believe that there has been a violation of section 4 of this chapter, IC 35-46-3-6 applies.

*As added by P.L.2-2008, SEC.11.*