

HB 549 -- Dangerous Dogs

Sponsor: Chappelle-Nadal

This bill specifies that if an animal control officer or law enforcement officer has determined by probable cause that a dog is dangerous, the officer will provide the owner of the dog an opportunity for a hearing to present evidence as to why the dog should not be declared dangerous prior to making a final determination. Any dog that is the subject of a dangerous dog investigation will be impounded at the owner's expense or safely confined by the owner and will not be relocated or have the ownership transferred until the conclusion of the investigation.

Upon classification of a dog as dangerous, the animal control authority will provide written notice to the owner of the dog. The owner will have 10 business days to file a written appeal requesting a court hearing and must confine the dog in a securely fenced or enclosed area pending the resolution of the appeal. The determination of the court will be final.

Within 14 days after a dog has been classified as dangerous and the classification is upheld on appeal, the judicial authority must impose conditions upon the owner of the dog that protects the public's health, safety, and welfare. If the dog creates a significant threat to the public's health, safety, and welfare, the dog will be euthanized.

No dog will be declared potentially dangerous or dangerous if the threat, injury, or damage sustained by a human being resulted because the person was unlawfully on the property or while lawfully on the property was teasing, tormenting, abusing, or assaulting the dog, its owner, or any family member or if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

All potentially dangerous dogs will be properly licensed and vaccinated, will be kept indoors or in a securely fenced yard or enclosure from which the dog cannot escape and into which children cannot trespass, and will not be transferred to another owner or jurisdiction without written notification to animal control authorities or local law enforcement. If the dog does not engage in behavior that would cause a reasonable person to take defensive action or does not inflict a bite that causes injury to a human or another animal for 36 months from the date of being classified as a potentially dangerous dog, the dog's record may be reviewed and a determination made by the animal control authority or local law enforcement authority as to whether the dog should be removed from the list of potentially dangerous dogs.

Any person who violates laws regarding a dangerous dog will be subject to a fine of up to \$1,000, and any person who violates laws regarding a potentially dangerous dog will be subject to a fine of up to \$500.