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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS

Introduced By: Senators Britto, Bissaillon, Ciccone, Gu, DiPalma, and Thompson

Date Introduced: March 28, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 4-13.1 of the General Laws entitled "Regulation of
2 Vicious Dogs" is hereby amended to read as follows:

3 ~~CHAPTER 4-13.1~~

4 ~~Regulation of Vicious Dogs~~

5 CHAPTER 4-13.1

6 REGULATION OF DANGEROUS DOGS.

7 SECTION 2. Sections 4-13.1-1, 4-13.1-2, 4-13.1-3, 4-13.1-4, 4-13.1-5, 4-13.1-7, 4-13.1-
8 8, 4-13.1-9, 4-13.1-11, 4-13.1-12 and 4-13.1-13 of the General Laws in Chapter 4-13.1 entitled
9 "Regulation of Vicious Dogs" are hereby amended to read as follows:

10 **4-13.1-1. Declaration of purpose.**

11 (a) It is declared that ~~vicious~~ dogs present ~~have become~~ a serious ~~and widespread~~ threat to
12 the safety and welfare of citizens of the state, ~~in that vicious dogs~~ and have in recent years ~~assaulted~~
13 without provocation ~~and seriously~~ severely injured numerous individuals, ~~particularly children, and~~
14 ~~have killed numerous dogs~~ and domestic animals. Many of these attacks have occurred in public
15 places.

16 (b) The number and severity of ~~these dog~~ attacks are ~~also~~ often attributable to the failure
17 of owners to register, confine, and properly control ~~vicious~~ dangerous dogs.

18 (c) It is further declared that the necessity for the regulation and control of ~~vicious~~

1 dangerous dogs is a statewide problem, requiring statewide regulation, and that existing laws are
2 inadequate to deal with the threat to public health, ~~and~~ safety, and welfare posed by ~~vicious~~
3 dangerous dogs.

4 (d) It is further declared that the owning, keeping or harboring of ~~vicious dogs is a nuisance~~
5 a dog that has been declared dangerous without adhering to all restrictions and requirements
6 imposed by the hearing panel at the time the dog is declared dangerous is a nuisance and a continued
7 threat to the public health, safety and welfare.

8 (e) It is further declared that because of the danger posed to the public, health, safety and
9 welfare by ~~vicious~~ dangerous dogs, this chapter constitutes an emergency measure providing for
10 the immediate preservation of the public health, safety and welfare.

11 **4-13.1-2. Definitions.**

12 As used in §§ 4-13.1-1 — 4-13.1-14, the following words and terms shall have the
13 following meanings, unless the context indicates another or different meaning or intent:

14 (1) “Dangerous dog” means:

15 (i) Any dog that, when unprovoked, in an aggressive or terrorizing manner, approaches any
16 person or domestic animal in apparent attitude of attack upon the streets, sidewalks, or any public
17 grounds or places or on private property other than premises occupied by the keeper of the dog;

18 (ii) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to
19 cause injury, or to otherwise endanger the safety of human beings or domestic animals;

20 (iii) Any dog that bites, inflicts injury, assaults, or otherwise attacks a human being or
21 domestic animal without provocation on public or private property; or

22 (iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any
23 dog trained for dog fighting that is deemed dangerous after it has been properly assessed by the
24 Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) pursuant to the provisions
25 of § 4-13.1-5(d).

26 Notwithstanding the definition of a dangerous dog in this subsection, no dog may be
27 declared dangerous in accordance with § 4-13.1-11 if an injury or damage is sustained by a person
28 who, at the time that injury or damage was sustained, was committing a trespass or other tort upon
29 premises occupied by the owner or keeper of the dog; or was teasing, tormenting, provoking,
30 abusing, or assaulting the dog; or was committing, or attempting to commit, a crime; or until the
31 society for the prevention of cruelty to animals has an opportunity to assess the dog pursuant to the
32 provisions of § 4-13.1-5(d).

33 (v) No dog may be declared dangerous if an injury or damage was sustained by a domestic
34 animal which, at the time that injury or damage was sustained, was teasing, tormenting, provoking,

1 abusing, or assaulting the dog. No dog may be declared dangerous if the dog was protecting or
2 defending a human being within the immediate vicinity of the dog from an unjustified attack or
3 assault.

4 (vi) A dog that has been declared vicious following a hearing conducted pursuant to an
5 earlier version of this chapter.

6 ~~(H)~~(2) “Dog officer” means any person defined by the provisions of chapter 19 of this title.

7 ~~(E)~~(3) “Domestic animals” means animals that, through extremely long association with
8 humans, have been bred to a degree that has resulted in genetic changes affecting the temperament,
9 color, conformation, or other attributes of the species to an extent that makes them unique and
10 distinguishable from wild individuals of their species. Such animals may include, but are not
11 limited to:

12 (i) Domestic dog (*Canis familiaris*);

13 (ii) Domestic cat (*Felis catus*);

14 (iii) Domestic horse (*Equus caballus*);

15 (iv) Domestic ass, burro, and donkey (*Equus asinus*);

16 (v) Domestic cattle (*Bos taurus* and *Bos indicus*);

17 (vi) Domestic sheep (*Ovis aries*);

18 (vii) Domestic goat (*Capra hircus*);

19 (viii) Domestic swine (*Sus scrofa domestica*);

20 (ix) Llama (*Lama lama*);

21 (x) Alpaca (*Lama pacos*);

22 (xi) Camels (*Camelus bactrianus* and *Camelus dromedarius*);

23 (xii) Domestic races of European rabbit (*Oryctolagus cuniculus*);

24 (xiii) Domestic races of chickens (*Gallus gallus*);

25 (xiv) Domestic races of duck and geese (*Anatidae*) morphologically distinguishable from
26 wild birds;

27 (xv) Domestic races of guinea fowl (*Numida meleagris*);

28 (xvi) Domestic races of peafowl (*Pavo cristatus*).

29 ~~(E)~~(4) “Enclosed area” means an area surrounded by a fence that will prevent the dog from
30 leaving the owner’s property.

31 ~~(H)~~(5) “Enclosure” means a fence or structure of at least six feet (6’) in height, forming or
32 causing an enclosure suitable to prevent the entry of young children, and suitable to confine a
33 ~~vicious~~ dangerous dog in conjunction with other measures that may be imposed by the hearing
34 panel taken by the owner or keeper, such as tethering of the ~~vicious~~ dangerous dog. The enclosure

1 shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be
2 designed to prevent the animal from escaping from the enclosure.

3 ~~(5)~~(6) “Guardian” shall mean a person(s) having the same rights and responsibilities of an
4 owner and both terms shall be used interchangeably. A guardian shall also mean a person who
5 possesses; has title to or an interest in, harbors; or has control, custody, or possession of an animal
6 and who is responsible for an animal’s safety and well-being.

7 ~~(6)~~(7) “Impounded” means taken into the custody of the public pound in the city or town
8 where the ~~vicious~~ dangerous dog is found.

9 ~~(7)~~(8) “Leash” means a rope, cable, nylon strap, or other means attached to the dog not
10 exceeding three feet (3’) in length and which is of sufficient strength to maintain and control the
11 dog, taking into consideration the size and strength of the dog and that will provide the ~~owner~~
12 handler the ability with to control of the dog.

13 ~~(8)~~(9) “Muzzle” means a device that shall not cause injury to the dog or interfere with its
14 vision or respiration but shall prevent the dog from biting a person or animal.

15 ~~(9)~~(10) “Person” means a natural person or any legal entity, including but not limited to, a
16 corporation, firm, partnership, or trust.

17 ~~(10)~~(11) “Serious injury” means any physical injury consisting of a broken bone(s) or
18 ~~permanently~~ disfiguring lacerations requiring stitches, multiple stitches or sutures, or cosmetic
19 surgery.

20 ~~(11)~~(12) “Tie-out” means a cable, rope, light-weight chain, or other means attached to the
21 dog that will prevent the dog from leaving the owner’s property and which is of sufficient strength
22 to maintain such control taking into consideration the size and strength of the dog.

23 ~~(12) “Vicious dog” means:~~

24 ~~(i) Any dog that, when unprovoked, in a vicious or terrorizing manner, approaches any~~
25 ~~person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;~~

26 ~~(ii) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to~~
27 ~~cause injury, or to otherwise endanger the safety of human beings or domestic animals;~~

28 ~~(iii) Any dog that bites, inflicts injury, assaults, or otherwise attacks a human being or~~
29 ~~domestic animal without provocation on public or private property; or~~

30 ~~(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any~~
31 ~~dog trained for dog fighting that is deemed vicious after it has been properly assessed by the Rhode~~
32 ~~Island Society for the Prevention of Cruelty to Animals (RISPCA) pursuant to the provisions of §~~
33 ~~4-13.1-5(d).~~

34 ~~Notwithstanding the definition of a vicious dog in subsection (12), no dog may be declared~~

1 ~~vicious in accordance with § 4-13.1-11 if an injury or damage is sustained by a person who, at the~~
2 ~~time that injury or damage was sustained, was committing a trespass or other tort upon premises~~
3 ~~occupied by the owner or keeper of the dog; or was teasing, tormenting, provoking, abusing, or~~
4 ~~assaulting the dog; or was committing, or attempting to commit, a crime; or until the society for~~
5 ~~the prevention of cruelty to animals has an opportunity to assess the dog pursuant to the provisions~~
6 ~~of § 4-13.1-5(d).~~

7 ~~(v) No dog may be declared vicious if an injury or damage was sustained by a domestic~~
8 ~~animal which, at the time that injury or damage was sustained, was teasing, tormenting, provoking,~~
9 ~~abusing, or assaulting the dog. No dog may be declared vicious if the dog was protecting or~~
10 ~~defending a human being within the immediate vicinity of the dog from an unjustified attack or~~
11 ~~assault.~~

12 **4-13.1-3. Requirements for registration.**

13 (a) No dog that has been declared ~~vicious~~ dangerous shall be licensed by any city or town
14 for any licensing period commencing after April 1986, unless the owner or keeper of that dog that
15 has been declared ~~vicious~~ dangerous meets any or all of the following requirements as may be
16 imposed by the hearing panel:

17 (1) A panel convened pursuant to § 4-13.1-11 of this chapter and/or a judge of the district
18 court may require the owner or keeper to present to the city or town clerk or other licensing
19 authority proof that the owner or keeper has procured liability insurance in the amount of at least
20 one hundred thousand dollars (\$100,000) on an occurrence basis, covering any damage or injury
21 which may be caused by the ~~vicious~~ dangerous dog during the twelve (12) month period for which
22 licensing is sought, which policy contains a provision requiring the city or town to be named as
23 additional insured for the sole purpose of the city or town clerk or other licensing authority where
24 that dog is licensed to be notified by the insurance company of any cancellation, termination,
25 material modification, or expiration of the liability insurance policy.

26 (2) The owner or keeper shall, at his or her own expense, have a microchip implanted in a
27 dog that has been determined to be dangerous that contains the licensing number assigned to the
28 ~~vicious~~ dangerous dog ~~and, or~~ any other identification number that the city or town clerk or other
29 licensing authority determines. A tattoo may be used as an alternative to a microchip if tattooed
30 upon the ~~vicious~~ dangerous dog by a licensed veterinarian ~~or person trained as a tattooist and~~
31 ~~authorized a licensed veterinarian or tattooist by any state, city or town police department.~~ The
32 tattoo shall be placed on the upper inner left rear thigh of the ~~vicious~~ dangerous dog. ~~The dog officer~~
33 ~~may, in his or her discretion, designate the particular location of the tattoo. The licensing number~~
34 ~~shall be noted on the city or town licensing files for the vicious dog, if it is different from the license~~

1 ~~number of the vicious dog.~~ For the purposes of this section, tattoo shall be defined as any permanent
2 numbering of a ~~vicious~~ dangerous dog by means of indelible or permanent ink with the number
3 designated by the licensing authority, or any other permanent, acceptable method of tattooing. ~~A~~
4 ~~microchip may be used in lieu of a tattoo.~~ Each city or town shall affix a two (2) letter prefix to the
5 identification number of any dog that has been declared dangerous in order to identify the particular
6 city or town where the dog was initially licensed.

7 (3) The owner or keeper shall display ~~a sign on his or her~~ one or more signs on their
8 premises warning that there is a ~~vicious~~ dangerous dog on the premises. ~~The A required~~ sign shall
9 be visible and capable of being read from ~~the~~ all public ~~highway thoroughfares abutting the~~
10 premises.

11 (4) The owner or keeper shall sign a statement attesting that:

12 (i) The owner or keeper shall maintain and not voluntarily cancel the liability insurance
13 required by this section ~~during the twelve (12) month period for which licensing is sought,~~ unless
14 the owner or keeper ceases to own or keep the ~~vicious~~ dangerous dog ~~prior to expiration of the~~
15 ~~license~~.

16 (ii) The owner or keeper shall have an enclosure for the ~~vicious~~ dangerous dog on the
17 property where the ~~vicious~~ dangerous dog will be kept or maintained.

18 (iii) The owner or keeper shall notify the police department or the dog officer within two
19 (2) hours if a ~~vicious~~ dangerous dog is on the loose, is unconfined, has attacked another animal or
20 has attacked a human being, or has died.

21 (5) When ~~the dog~~ a dog that has been declared dangerous is off the owner's property, it
22 shall be on a leash and/or muzzled.

23 (6) When the dog is outdoors on the owner's property, it must be on a leash and/or muzzled,
24 or tie-out, or in an enclosure or in an enclosed area which prevents its escape and which has been
25 inspected and approved by the dog officer.

26 (b) A dog officer is empowered to make whatever inquiry is deemed necessary to ensure
27 compliance with this chapter, and any dog officer is empowered to seize and impound any ~~vicious~~
28 dog that has previously been declared dangerous whose owner or keeper fails to comply with this
29 chapter.

30 (c) In the event that the owner or keeper of ~~the~~ a dog that has previously been declared
31 dangerous refuses to surrender the ~~animal~~ dog to the dog officer, the dog officer may request a
32 police officer to obtain a search warrant from a justice of the district court and ~~to~~ seize the dog upon
33 execution of the warrant.

34 (d) A dog that has been declared dangerous must be spayed or neutered unless a licensed

1 veterinarian states in writing that the procedure would threaten the life of the dog. If a dog that has
2 been declared dangerous is not spayed or neutered based upon a veterinarian's statement, that dog
3 will not be allowed to reside with or come into contact with any dog of any age that has not been
4 spayed or neutered.

5 (e) If an owner or keeper of a dog that has been declared dangerous moves, he or she shall
6 notify the dog officer of the city or town in which he/she resides and the dog officer of the city or
7 town in which he or she is to reside.

8 (f) An owner or keeper may leave a dog that has previously been declared dangerous under
9 the care and control of someone over the age of sixteen (16) years; provided that, the person shall
10 have been informed of the fact that the dog has previously been declared dangerous.

11 (g) It shall be unlawful for the owner or keeper to sell or give away any dog that has
12 previously been declared ~~vicious~~ dangerous without the prior written authorization of the dog
13 officer which may be granted or withheld in the discretion of the dog officer and which may be
14 granted subject to conditions.

15 **4-13.1-4. ~~Control of vicious dogs~~ Control of dangerous dogs.**

16 (a) All dogs that have been declared ~~vicious~~ dangerous shall be confined in an enclosure
17 when outside of the dwelling of the owner or keeper or outside of a kennel maintained by the owner
18 or keeper that is acceptable to the dog officer. It is unlawful for any owner or keeper to maintain a
19 dog that has been declared ~~vicious~~ dangerous upon any premises which does not have a locked
20 enclosure.

21 (b) It is unlawful for any owner or keeper to allow any ~~vicious~~ dangerous dog that has been
22 declared to be dangerous to be outside of the dwelling of the owner or keeper or outside of the
23 enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the ~~vicious~~
24 dangerous dog or to comply with commands or directions of the dog officer with respect to the
25 ~~vicious~~ dangerous dog, or to comply with the provisions of § 4-13.1-3(a)(1) or (a)(2). In this event,
26 the ~~vicious~~ dangerous dog shall be securely muzzled and restrained with a leash ~~or chain having a~~
27 ~~minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length,~~
28 and shall be under the direct control and supervision of the owner or keeper of the ~~vicious~~ dangerous
29 dog.

30 **4-13.1-5. Harboring dogs for dog fighting — Training dogs to attack humans —**
31 **Selling, breeding, or buying dogs.**

32 (a) No person shall own or harbor any dog for the purpose of dog fighting; or train, torment,
33 badger, bait, or use any dog for the purpose of causing or encouraging the dog to unprovoked
34 attacks upon human beings or domestic animals.

1 (b) No person shall possess with intent to sell, or offer for sale, breed, or buy, or attempt to
2 buy, within the state any dog that has previously been declared ~~vicious~~ dangerous by the ~~vicious~~
3 dangerous dog panel in accordance with § 4-13.1-11 (“Determination of a ~~vicious~~ dangerous dog”).

4 (c) Any dog described in subsection (a) or (b) of this section lawfully seized by a sheriff,
5 deputy sheriff, constable, police officer, agent or officer of the Rhode Island Society for the
6 Prevention of Cruelty to Animals (RISPCA) may be placed in the care of the RISPCA pursuant to
7 the provisions of § 4-1-22.

8 (d) Humane euthanization, conducted in accordance with the provisions of § 4-19-12, of a
9 dog described in subsection (a) or (b) of this section shall occur only if the RISPCA, after an
10 evaluation, has determined that the dog’s medical and/or behavioral condition warrants euthanasia
11 or it is determined by the sheriff, deputy sheriff, constable, police officer, agent or officer of the
12 RISPCA having possession of the dog, after reasonable time and effort have been expended, that
13 no appropriate placement for the dog exists.

14 (e) A municipality that transfers a dog seized pursuant to this section into the care of the
15 RISPCA shall be responsible for the costs incurred by the RISPCA for the care and treatment of
16 the dog. The cost of the care and treatment billed to the transferring municipality shall be reasonable
17 and related to equivalent services provided by veterinary care and animal sheltering, feeding, and
18 boarding services in the state. Notwithstanding the receipt of payment for care and treatment from
19 a transferring municipality, the RISPCA may proceed pursuant to § 4-1-22(c) to collect the full
20 cost of care and treatment of any dog that is in its care or custody pursuant to this section and any
21 amounts recovered shall be applied first to satisfy any outstanding invoices for services provided
22 that have not previously been paid for with the balance of any amount recovered to be paid to the
23 transferring municipality.

24 ~~**4-13.1-7. Action for damages — Destruction of offending vicious dog Action for**~~
25 ~~**damages –Destruction of offending dangerous dog.**~~

26 If any dog declared ~~vicious~~ dangerous under § 4-13.1-11, when unprovoked, kills or
27 wounds, or assists in killing or wounding, any domestic animal, belonging to or in the possession
28 of any person, or, when unprovoked, attacks, assaults, bites, or otherwise injures any human being
29 or assists in attacking, assaulting, biting or otherwise injuring any human being while out of or
30 within the enclosure of the owner or keeper of the ~~vicious~~ dangerous dog, or while otherwise on or
31 off the property of the owner or keeper whether or not the ~~vicious~~ dangerous dog was on a leash
32 and securely muzzled or whether the ~~vicious~~ dangerous dog escaped without fault of the owner or
33 keeper, the owner or keeper of the dog may be liable to the person aggrieved for all damage
34 sustained, to be recovered in a civil action, with costs of suit. ~~It is rebuttably presumed as a matter~~

1 ~~of law that the owning, keeping, or harboring of a dog that has been declared vicious in violation~~
2 ~~of this chapter is a nuisance. It shall not be necessary, in order to sustain any action, to prove that~~
3 ~~the owner or keeper of a dog that has been declared vicious knew that the dog that has been declared~~
4 ~~vicious possessed the propensity to cause this damage or that the dog had a vicious nature.~~

5 **4-13.1-8. Exemptions.**

6 (a) Sections 4-13.1-3 — 4-13.1-7 shall not apply to ~~kennels~~ an animal shelter or animal
7 rescue licensed in accordance with the provisions of this chapter or chapter 19 of this title that did
8 not have actual notice that an animal in its ownership, possession or control had previously been
9 declared dangerous.

10 (b) This chapter shall not apply to K-9 or other dogs owned by any police department or
11 any law enforcement officer which are used in the performance of police work.

12 **4-13.1-9. Penalties for violation — Licensing ordinances and fees.**

13 (a) Any dog declared ~~vicious~~ dangerous under § 4-13.1-11:

14 (1) Whose owner or keeper does not secure ~~the~~ liability insurance coverage required in
15 accordance with § 4-13.1-3;

16 (2) Which is not maintained on property with an enclosure;

17 (3) Which is outside of the dwelling of the owner or keeper, or outside of an enclosure
18 except as provided in § 4-13.1-4; or

19 (4) Which is not tattooed or microchipped, may be confiscated by a dog officer ~~or~~ and may
20 be ~~destroyed~~ euthanized in an expeditious and humane manner after the expiration of a five (5) day
21 waiting period exclusive of Sundays and holidays which shall not include any day or part thereof
22 that the public pound is not open for a specified period of time, not to be less than one half (½) the
23 normal hours of business, for the purpose of reclaiming any such dog by its rightful owner. The
24 owner or keeper of the confiscated, dangerous dog will be responsible for all costs incurred by the
25 city or town for the confiscation and care of the dog and for the cost of the humane euthanasia and
26 disposal, if applicable. In addition, the owner or keeper shall pay a five hundred fifty dollar (\$550)
27 fine.

28 (5) Provided, further, that in addition to the violations listed herein, if any section of this
29 chapter does not specifically provide a penalty for a violation, the penalty shall be five hundred
30 fifty dollars (\$550) for the first offense and one thousand dollars (\$1,000) for any subsequent
31 violation.

32 (b) If any dog declared ~~vicious~~ dangerous under § 4-13.1-11, when unprovoked, kills,
33 wounds, or ~~worries or assists~~ participates in killing or wounding any animal described in § 4-13.1-
34 7, the owner or keeper of the dog shall pay a five hundred fifty dollar (\$550) fine. ~~The~~ and the dog

1 officer is empowered to confiscate the dog. If the owner or keeper of the dog is present at the time
2 the dog is confiscated, the dog officer shall provide written notice of confiscation to the owner or
3 keeper of the dog at the time of confiscation. If the owner or keeper of the dog is not present at the
4 time of confiscation, the dog officer shall post a written notice of confiscation at the location of the
5 seizure and in a location that is readily visible. After the expiration of a five (5) day waiting period
6 following the confiscation, excluding Sundays and holidays, which shall not include any day or
7 part thereof that the public pound is not open for a specified period of time, not to be less than one
8 half (½) the normal hours of business, for the purpose of the rightful owner's reclaiming the dog,
9 the dog officer may ~~destroy~~ humanely euthanize the ~~vicious~~ confiscated dog. The owner or keeper
10 of the confiscated dog shall be responsible for all costs of care incurred by the city or town as set
11 forth in § 4-13.1-11 (e) and for the actual cost of the humane euthanasia and disposal, if applicable.
12 For each subsequent violation, the owner or keeper of the dog shall pay a fine of one thousand
13 dollars (\$1,000). In the event a dog kills a person, the dog shall be humanely euthanized.

14 ~~(c)(1) If any dog declared vicious under § 4-13.1-11, when unprovoked, attacks, assaults,~~
15 ~~wounds, bites, or otherwise injures, kills or seriously injures a human being, the owner or keeper~~
16 ~~shall pay a fine of one thousand dollars (\$1,000) and the dog officer is empowered to confiscate~~
17 ~~and, after the expiration of a five (5) day waiting period, which shall not include any day or part~~
18 ~~thereof that the public pound is not open for a specified period of time, not to be less than one half~~
19 ~~(½) the normal hours of business, for the purpose of reclaiming any such dog by its rightful owner,~~
20 ~~may destroy the vicious dog. For each subsequent violation, the owner or keeper shall pay a fine of~~
21 ~~one thousand dollars (\$1,000), for owning or keeping a vicious dog which attacks, assaults, wounds,~~
22 ~~bites or otherwise injures or kills a human being. In the event a dog kills a person, the dog shall be~~
23 ~~humanely euthanized.~~

24 ~~(2)~~(1) The dog officer may confiscate a dog that has previously been declared dangerous
25 for any violation of this section and shall provide written notice of confiscation to the owner or
26 keeper of the dog if the owner or keeper is present at the time of confiscation. If the owner or keeper
27 of the dog is not present at the time of confiscation, the dog officer shall post written notice of
28 confiscation at the location of the seizure in a location that is readily visible. ~~If the owner or keeper~~
29 ~~does not contact the dog officer, or if the dog officer cannot, with a reasonable effort, contact the~~
30 ~~owner or keeper, the dog may be euthanized under § 4-13-15. If the owner or keeper is found, the~~
31 The dog officer may give, but is not required to give, the owner or keeper additional time, up to ten
32 (10) days to meet ~~the~~ any previously imposed requirements. If the previously imposed requirements
33 are not met in the allotted time, including any extensions, the dog may be euthanized without
34 additional notice to the owner or keeper. The owner or keeper of the confiscated dog shall be

1 responsible for all costs of care incurred by the city or town as set forth in § 4-13.1-11(e) and for
2 the actual cost of the humane euthanasia and disposal, if applicable. ~~The owner or keeper will be~~
3 ~~responsible for the kennel and euthanizing cost.~~

4 (3)(2) No person shall be charged under subsections (a), or (b), ~~or (c)~~, unless the dog, prior
5 to the offense alleged, has been declared ~~vicious~~ dangerous pursuant to the provisions of this
6 chapter.

7 (4)(3) If any dog ~~declared vicious under § 4-13.1-11~~, seriously injures a person ~~as that term~~
8 ~~is defined in § 4-13.1-2~~ or kills or seriously injures a domestic animal and is declared to be
9 dangerous, the hearing panel ~~dog~~ may order the dog to be humanely euthanized, at the owner's
10 expense, upon a unanimous vote of the hearing panel without any previous determination of
11 dangerousness being required.

12 (d)(1) Every city or town shall enact an ordinance requiring the licensing of dogs within
13 their jurisdiction at ~~a~~ an annual fee not to exceed ~~ten~~ twenty dollars ~~(\$10.00)~~ (\$20.00). In addition,
14 each city or town shall charge an additional fee of ~~two~~ ten dollars ~~(\$2.00)~~ (\$10.00) for each license,
15 that fee to be used exclusively by the cities and towns for enforcement of laws pertaining to animals.

16 (2) Every owner or keeper of any dog found to be in violation of any city or town ordinance
17 governing the licensing of dogs shall for the first offense be fined twenty-five dollars (\$25.00) and
18 for a second violation of the ordinance shall be fined two hundred dollars (\$200) and shall be
19 required at his or her own expense, to have the dog tattooed or microchipped in a manner prescribed
20 this chapter, and for a third or subsequent offense shall be fined five hundred dollars (\$500), and
21 shall be required at his or her own expense, to have the dog tattooed or microchipped in a manner
22 prescribed by this chapter.

23 (3) No fine and/or tattooing or microchipping requirement shall be suspended by any court
24 of competent jurisdiction.

25 (e)(1) If the owner or keeper of a dog impounded for an alleged violation of §§ 4-13.1-3,
26 4-13.1-4, or 4-13.1-5 believes that there has not been a violation of those sections, the owner or
27 keeper may petition the district court which has jurisdiction in the city or town where the dog is
28 impounded praying that the impounded dog not be destroyed. The impounded dog shall not be
29 destroyed pending resolution of the owner's or keeper's petition.

30 (2) The petition shall be filed within five (5) days of impoundment of the dog. Notice shall
31 be served within five (5) days of the impoundment of the dog upon the dog officer or keeper of the
32 dog pound. The hearing shall be conducted within fourteen (14) days from serving of the notice.

33 (3) The decision of the district court may be appealed to the superior court by any aggrieved
34 party within forty eight (48) hours of the decision. The dog shall remain impounded pending the

1 appeal. A hearing de novo, without a jury, shall be conducted within fourteen (14) days of the
2 appeal.

3 (4) The decision of the superior court shall be final and conclusive upon all parties thereto.
4 However, the dog officer or any law enforcement officer shall have the right to convene a hearing
5 under § 4-13.1-3 for any actions of the dog subsequent to the date of violation. If the court finds
6 that there has not been a violation of §§ 4-13.1-3 through 4-13.1-5, the dog may be released to the
7 custody of the owner or keeper. ~~upon payment to the pound keeper or dog officer of the expense of~~
8 ~~keeping the dog. The city or town councils may establish by ordinance a schedule of those costs.~~

9 (f) One-half (½) of all fines paid pursuant to this section shall be paid to the city or town
10 in which the violation occurred for the purpose of defraying the cost of the implementation of the
11 provisions of this chapter.

12 ~~(g) No dog shall be destroyed within five (5) days of being impounded, exclusive of~~
13 ~~Sundays and holidays, and which shall not include any day or part of a day that the public pound~~
14 ~~is not open for a specified period of time, not to be less than one half (½) the normal hours of~~
15 ~~business, for the purpose of reclaiming any such dog by its rightful owner.~~

16 ~~(h) If a dog has been declared vicious pursuant to § 4-13.1-11, the owner or keeper shall~~
17 ~~display a sign on his or her premises warning that there is a vicious dog on the premises. The sign~~
18 ~~shall be visible and capable of being read from the public highway.~~

19 ~~(i) If a dog has been declared vicious pursuant to § 4-13.1-11, the owner or keeper shall~~
20 ~~sign a statement attesting that the owner or keeper shall maintain and not voluntarily cancel any~~
21 ~~liability insurance required pursuant to this section during the twelve (12) month period for which~~
22 ~~licensing is sought, unless the owner or keeper shall cease to own or keep the vicious dog prior to~~
23 ~~the expiration of the license.~~

24 ~~(j) The owner or keeper shall notify the local police or animal control officer within two~~
25 ~~(2) hours if a dog that has been declared vicious is on the loose, is unconfined, has attacked another~~
26 ~~animal or has attacked a human being or has died.~~

27 ~~(k) It shall be unlawful for any owner to sell or give away a dog that has been declared~~
28 ~~vicious within the state.~~

29 ~~(l) A dog officer is hereby empowered to make whatever inquiry is deemed necessary to~~
30 ~~ensure compliance with the provisions of this chapter, and any such dog officer is hereby~~
31 ~~empowered to seize and impound any dog that has been declared vicious whose owner or keeper~~
32 ~~fails to comply with these provisions.~~

33 **4-13.1-11. Determination of a vicious dog Determination of a dangerous dog.**

34 (a) In the event that the dog officer or law enforcement officer has probable cause to believe

1 that a dog is ~~vicious~~ dangerous, the chief dog officer, or his or her immediate supervisor, or the
2 chief of police, or his or her designee, is empowered to convene a hearing for the purpose of
3 determining whether or not the dog in question should be declared ~~vicious~~ dangerous. The dog
4 officer or chief of police shall conduct, or cause to be conducted, an investigation and shall notify
5 the owner or keeper of the dog that a hearing will be held, at which time he or she may have the
6 opportunity to present evidence why the dog should not be declared ~~vicious~~ dangerous. The dog
7 officer or chief of police shall also notify the alleged victim that a hearing will be held and of the
8 date, time and location of the hearing and at the hearing a representative of the city or town who is
9 not serving as a hearing panelist, will have the opportunity to present evidence as to why the dog
10 should be declared dangerous. The hearing shall be held promptly within no less than five (5), nor
11 more than ten (10), days after service of notice upon the owner or keeper of the dog. The hearing
12 shall be informal and shall be open to the public. The hearing shall be conducted by a panel of three
13 (3) persons that shall consist of the chief of police, or his or her designee, the executive director of
14 the Society for the Prevention of Cruelty to Animals (S.P.C.A.), or his or her designee; and a person
15 chosen by the chief of police and the executive director of the S.P.C.A. All members of the panel
16 shall have one vote in making a determination whether or not the dog in question is ~~vicious~~
17 dangerous. Hearing officers shall have immunity. Hearing panels established pursuant to this
18 section are temporary in nature and exist for the sole purpose of considering whether the dog
19 referred to the panel is dangerous and shall disband once a determination as to whether or not the
20 dog is dangerous has been made. The provisions of chapter 46 of title 42 do not apply to hearings
21 held pursuant to this section. Any person in attendance at a hearing may create an audio recording
22 of the hearing. All official records related to the hearing shall be maintained by the city or town.

23 (b) After the hearing, the owner or keeper of the dog shall be notified in writing of the
24 determination. If a determination is made that the dog is ~~vicious~~ dangerous, the owner or keeper
25 shall comply with this chapter in accordance with a time schedule established by the dog officer or
26 chief of police, but in no case more than thirty (30) days subsequent to the date of the determination.
27 If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of
28 that determination, bring a petition in the district court within the judicial district where the dog is
29 owned or kept, praying that the court conduct its own hearing on whether or not the dog should be
30 declared ~~vicious~~ dangerous. After service of notice upon the dog officer, the court shall conduct a
31 hearing de novo and make its own determination as to ~~viciousness~~ dangerousness. The hearing shall
32 be conducted within seven (7) days of the service of the notice upon the dog officer or law
33 enforcement officer involved. The issue shall be decided upon the preponderance of the evidence.
34 If the court rules the dog to be ~~vicious~~ dangerous, the court may establish a time schedule to ensure

1 compliance with this chapter, but in no case more than thirty (30) days subsequent to the date of
2 the court's determination. If the owner has not complied with the provisions of this chapter at the
3 end of thirty (30) days from the written notification that the dog is ~~vicious~~ dangerous, the dog may
4 be euthanized.

5 (c) The court may decide all issues for or against the owner or keeper of the dog regardless
6 of the fact that the owner or keeper fails to appear at the hearing.

7 (d) The determination of the district court shall be final and conclusive upon all parties.
8 The dog officer or any law enforcement officer shall have the right to convene a hearing under this
9 section for any subsequent actions of the dog.

10 (e) In the event that the dog officer or law enforcement officer has probable cause to believe
11 that the dog in question is ~~vicious~~ dangerous and may pose a threat of serious harm to human beings
12 or other domestic animals, the dog officer or law enforcement officer may seize and impound the
13 dog pending the hearings. If a dog that has been declared dangerous is in the custody of the city or
14 town at the time of the hearing, the dog officer may maintain custody of the dog until the appeal
15 period has expired and all appeals have been finally determined. If a dog that has been declared
16 dangerous in the care or custody of its owner or keeper at the time an appeal is taken, any conditions
17 imposed by the hearing panel will continue in full force and effect until the appeal is finally
18 determined by the court and any violation of any continuing condition shall be subject to any
19 penalties set forth in § 4-13.1-9.

20 The owner or keeper of the dog is liable to the city or town where the dog is impounded
21 for the costs and expenses of keeping the dog. The city or town council may establish by ordinance
22 a schedule of those costs and expenses. In the absence of a schedule of costs and expenses that have
23 been established by a city or town council, the cost of the care and treatment that is billed to the
24 owner or keeper shall be reasonable and related to the equivalent services provided by veterinary
25 care and animal sheltering, feeding, and boarding services in this state.

26 **4-13.1-12. ~~Uniform summons~~ ~~Mail-in fines~~ ~~Prosecution~~ Prosecution and**
27 **enforcement.**

28 ~~The attorney general shall establish a uniform summons or citation to be used by state and~~
29 ~~municipal law enforcement agencies in the enforcement of this chapter. Fines of one hundred~~
30 ~~dollars (\$100) or less may be paid by mail.~~ All ~~other~~ costs, fines or penalties due to be paid to a
31 city or town hereunder that are not paid within ten (10) days following written demand from the
32 city or town, are subject to collection by a civil action initiated by the city or town in the district
33 court within the county where the city or town is situated. ~~shall require a court appearance.~~ Any
34 offense under this chapter may be prosecuted by complaint.

1 **4-13.1-13. Liability of parents for damages caused by dog owned by minor.**

2 In the event that the owner or keeper of the ~~vicious~~ dangerous dog is a minor, the parent or
3 guardian of that minor is liable for all injuries and property damage sustained by any person or
4 domestic animal caused by an unprovoked attack by that ~~vicious~~ dangerous dog.

5 SECTION 3. This act shall take effect upon passage.

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LC002364
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS
DOGS

1 This act would change the term vicious dogs to dangerous dogs, would expand on
2 requirements relative to leashes, enclosures, address fines and penalties, require signage, prevent
3 dangerous dogs from being left outside unless in an enclosure and provide other requirements upon
4 owners or keepers of dangerous dogs and set out notice and hearing requirements.

5 This act would take effect upon passage.

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