

2014 -- H 7266

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LC003658
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

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

Introduced By: Representatives Guthrie, Bennett, Corvese, and Ucci

Date Introduced: January 30, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **4-13.1-2. Definitions.** -- As used in sections 4-13.1-1 -- 4-13.1-14, the following words
4 and terms shall have the following meanings, unless the context indicates another or different
5 meaning or intent:

6 (1) "Dog officer" means any person defined by the provisions of chapter 19 of this title.

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

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

- 1 (viii) Domestic swine (*Sus scrofa domestica*);
2 (ix) Llama (*Lama lama*);
3 (x) Alpaca (*Lama pacos*);
4 (xi) Camels (*Camelus bactrianus* and *Camel dromedarius*);
5 (xii) Domestic races of European rabbit (*Oryctolagus cuniculus*);
6 (xiii) Domestic races of chickens (*Callus gallus*);
7 (xiv) Domestic races of duck and geese (*Anatidae*) morphologically distinguishable from
8 wild birds;
9 (xv) Domestic races of guinea fowl (*Numida meleagris*);
10 (xvi) Domestic races of peafowl (*Pavo scristatus*).

11 (3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or
12 causing an enclosure suitable to prevent the entry of young children, and suitable to confine a
13 vicious dog in conjunction with other measures which may be taken by the owner or keeper, such
14 as tethering of the vicious dog. The enclosure shall be securely enclosed and locked and designed
15 with secure sides, top, and bottom and shall be designed to prevent the animal from escaping
16 from the enclosure.

17 (4) "Impounded" means taken into the custody of the public pound in the city or town
18 where the vicious dog is found.

19 (5) "Person" means a natural person or any legal entity, including but not limited to, a
20 corporation, firm, partnership, or trust.

21 (6) "Vicious dog" means:

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

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

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

28 ~~(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or~~
29 ~~any dog trained for dog fighting.~~

30 Notwithstanding the definition of a vicious dog in subsection (6), no dog may be
31 declared vicious in accordance with section4-13.1-11 of this chapter if an injury or damage is
32 sustained by a person who, at the time that injury or damage was sustained, was committing a
33 trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing,
34 tormenting, provoking, abusing or assaulting the dog or was committing or attempting to commit

1 a crime.

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

7 (7) "Guardian" shall mean a person(s) having the same rights and responsibilities of an
8 owner, and both terms shall be used interchangeably. A guardian shall also mean a person who
9 possesses, has title to or an interest in, harbors or has control, custody or possession of an animal
10 and who is responsible for an animal's safety and well-being.

11 (8) "Muzzle" means a device which shall not cause injury to the dog or interfere with its
12 vision or respiration but shall prevent the dog from biting a person or animal.

13 (9) "Serious injury" means any physical injury consisting of a broken bone(s) or
14 permanently disfiguring lacerations requiring stitches, multiple stitches or sutures, or cosmetic
15 surgery.

16 (10) "Enclosed area" means an area surrounded by a fence that will prevent the dog from
17 leaving the owner's property.

18 (11) "Tie-out" means a cable, rope, light weight chain, or other means attached to the
19 dog that will prevent the dog from leaving the owner's property.

20 (12) "Leash" means a rope, cable, nylon strap, or other means attached to the dog that
21 will provide the owner with control of the dog.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would exclude from the definition of "vicious dogs", any dog which is owned,
- 2 harbored or trained for the purposes of dog fighting.
- 3 This act would take effect upon passage.

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