

2015 -- S 0347 AS AMENDED

=====
LC000157
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

—————
A N A C T

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

Introduced By: Senators Walaska, Ciccone, and McCaffrey

Date Introduced: February 12, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-13.1-2 and 4-13.1-5 of the General Laws in Chapter 4-13.1
2 entitled "Regulation of Vicious Dogs" are hereby amended to read as follows:

3 **4-13.1-2. Definitions.** -- As used in §§ 4-13.1-1 -- 4-13.1-14, the following words and
4 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 [that is deemed vicious after it has been properly assessed by the](#)
30 [Rhode Island Society for the Prevention of Cruelty to Animals \(RISPCA\) pursuant to the](#)
31 [provisions of § 4-13.1-5\(d\).](#)

32 Notwithstanding the definition of a vicious dog in subsection (6), no dog may be
33 declared vicious in accordance with § 4-13.1-11 if an injury or damage is sustained by a person
34 who, at the time that injury or damage was sustained, was committing a trespass or other tort

1 upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting,
2 provoking, abusing or assaulting the dog or was committing or attempting to commit a crime [or](#)
3 [until the society for the prevention of cruelty to animals has an opportunity to assess the dog](#)
4 [pursuant to the provisions of § 4-13.1-5\(d\).](#)

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

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

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

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

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

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

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

25 **4-13.1-5. Harboring dogs for dog fighting -- Training dogs to attack humans --**
26 **Selling, breeding, or buying dogs. --** (a) No person shall own or harbor any dog for the purpose
27 of dog fighting, or train, torment, badger, bait, or use any dog for the purpose of causing or
28 encouraging the dog to unprovoked attacks upon human beings or domestic animals.

29 (b) No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt
30 to buy within the state any vicious dog.

31 [\(c\) Any dog described in subsection \(a\) or \(b\) of this section lawfully seized by a sheriff,](#)
32 [deputy sheriff, constable, police officer, agent or officer of the Rhode Island Society for the](#)
33 [Prevention of Cruelty to Animals shall be placed in the care of the RISPCA pursuant to the](#)
34 [provisions of § 4-1-22 through and including § 4-1-31.](#)

1 (d) The RISPCA shall utilize a timely process to determine the disposition of the dog and
2 provide for prompt transfer to an appropriate rescue organization or adoptive home with humane
3 euthanization occurring only if the dog's medical and/or behavioral condition warrants such
4 action or it is determined, after reasonable time and effort have been expended, that no
5 appropriate placement for the dog exists.

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

=====
LC000157
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would require that any dog lawfully seized as a result of dog fighting or trained,
2 tormented, badgered, baited, or used for the purpose of unprovoked attacks upon human beings or
3 domestic animals be placed in the care of the society for the prevention of cruelty to animals for
4 the dog's physical care and suitability for transfer to an appropriate rescue organization or
5 adoptive home.

6 This act would take effect upon passage.

=====
LC000157
=====