

2022 -- H 7075

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATED TO ANIMALS AND ANIMAL HUSBANDRY -- VICIOUS DOGS

Introduced By: Representatives Shanley, and Bennett

Date Introduced: January 12, 2022

Referred To: House Health & Human Services

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 "Regulation
2 of Vicious Dogs" is hereby amended to read as follows:

3 **4-13.1-2. Definitions.**

4 As used in §§ 4-13.1-1 -- 4-13.1-14, the following words and terms shall have the following
5 meanings, unless the context indicates another or different 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 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 (*Ovi aries*);

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

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

- 1 (ix) Llama (lama alama);
- 2 (x) Alpaca (lama pacos);
- 3 (xi) Camels (Camelus bactrianus and Camel dromedarius);
- 4 (xii) Domestic races of European rabbit (Oryctolagus cuniculus);
- 5 (xiii) Domestic races of chickens (Callus gallus);
- 6 (xiv) Domestic races of duck and geese (Anatidae) morphologically distinguishable from
- 7 wild birds;
- 8 (xv) Domestic races of guinea fowl (Numida meleagris);
- 9 (xvi) Domestic races of peafowl (Pavo scristatus).
- 10 (3) "Enclosed area" means an area surrounded by a fence that will prevent the dog from
- 11 leaving the owner's property.
- 12 (4) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or
- 13 causing an enclosure suitable to prevent the entry of young children, and suitable to confine a
- 14 vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as
- 15 tethering of the vicious dog. The enclosure shall be securely enclosed and locked and designed with
- 16 secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the
- 17 enclosure.
- 18 (5) "Guardian" shall mean a person(s) having the same rights and responsibilities of an
- 19 owner and both terms shall be used interchangeably. A guardian shall also mean a person who
- 20 possesses; has title to or an interest in, harbors; or has control, custody, or possession of an animal
- 21 and who is responsible for an animal's safety and well-being.
- 22 (6) "Impounded" means taken into the custody of the public pound in the city or town
- 23 where the vicious dog is found.
- 24 (7) "Leash" means a rope, cable, nylon strap, or other means attached to the dog that will
- 25 provide the owner with control of the dog.
- 26 (8) "Muzzle" means a device that shall not cause injury to the dog or interfere with its
- 27 vision or respiration but shall prevent the dog from biting a person or animal.
- 28 (9) "Person" means a natural person or any legal entity, including but not limited to, a
- 29 corporation, firm, partnership, or trust.
- 30 (10) "Serious injury" means any physical injury consisting of a broken bone(s) or
- 31 permanently disfiguring lacerations requiring stitches, multiple stitches or sutures, or cosmetic
- 32 surgery.
- 33 (11) "Tie-out" means a cable, rope, light-weight chain, or other means attached to the dog
- 34 that will prevent the dog from leaving the owner's property.

1 (12) "Vicious dog" means:

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

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

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

9 (iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any
10 dog trained for dog fighting that is deemed vicious after it has been properly assessed by the Rhode
11 Island Society for the Prevention of Cruelty to Animals (RISPCA) pursuant to the provisions of §
12 4-13.1-5(d).

13 Notwithstanding the definition of a vicious dog in subsection (12), no dog may be declared
14 vicious in accordance with § 4-13.1-11 if an injury or damage is sustained by a person who, at the
15 time that injury or damage was sustained, was committing a trespass or other tort upon premises
16 occupied by the owner or keeper of the dog; or was teasing, tormenting, provoking, abusing, or
17 assaulting the dog; or was committing, or attempting to commit, a crime; or until the society for
18 the prevention of cruelty to animals has an opportunity to assess the dog pursuant to the provisions
19 of § 4-13.1-5(d).

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

25 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 provide that a dog can only be declared vicious if it is involved in a physical
- 2 attack.
- 3 This act would take effect upon passage.

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