



HOUSE BILL 561: Strengthen Dangerous Dog Laws.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 25, 2019
Introduced by:	Rep. Torbett	Prepared by:	Jessica Sammons Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *House Bill 561 would do the following:*

- *Require a dog to be impounded upon a determination that the dog is "potentially dangerous." The dog would be returned to the owner once the owner pays the cost of impoundment and the person or board making the determination finds that the dog will be confined indoors or securely restrained when left unattended on the owner's property.*
- *Provide that the owner of a dangerous dog that attacks and kills a dog that is on a leash or held in the arms of a person is guilty of a Class 1 misdemeanor.*

CURRENT LAW: Under Article 1A of Chapter 67 of the General Statutes, a dog may be classified as "dangerous" or "potentially dangerous". The local government authority responsible for animal control must designate a person or board to be responsible for these classifications and a separate board to hear any appeal from that initial determination. Before the dog is considered potentially dangerous, the person or board making the determination must give written notice to the owner. The notice must inform the owner that the dog has been found potentially dangerous and the reasons for that determination. The owner has three days to appeal the determination to the appellate board, and if unfavorable, within 10 days to the superior court division.

A "potentially dangerous dog" is a dog that is determined by the designated person or board to have done any of the following:

- 1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.
- 2) Killed or inflicted severe injury upon a domestic animal when not on the owner's property.
- 3) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

A "dangerous dog" is a dog that meets any of the following:

- 1) Has killed or inflicted severe injury on a person without provocation.
- 2) Is owned primarily or in part for the purpose of dogfighting, or is trained for dogfighting.
- 3) Is determined to be potentially dangerous by the designated person or board.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

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Because the definition for "dangerous dog" includes a "potentially dangerous dog," a dog found to be potentially dangerous by the person or board responsible for such determinations is treated the same as a dangerous dog under the Article.

Therefore, the following applies to both dangerous dogs and potentially dangerous dogs:

- It is a Class 3 misdemeanor for an owner to leave the dog unattended on the owner's property unless the dog is confined indoors or in a securely enclosed and locked pen or structure.
- It is a Class 3 misdemeanor for an owner to allow the dog to leave the owner's property without the dog being leashed and muzzled or otherwise securely restrained and muzzled.
- It is a Class 3 misdemeanor for an owner to sell or give the dog to someone else without giving written notice to both local government about the change and to the person taking possession of the dog about the dog's dangerous behavior and the authority's determination.
- It is a Class 1 misdemeanor for an owner if the dog inflicts physical injuries requiring medical treatment in excess of \$100.
- The owner is strictly liable for any injuries or property damage caused by the dog.

Under G.S. 67-4.5, cities and counties are permitted to adopt and enforce its own ordinance for the control of dangerous dogs. Many local governments have adopted ordinances that supplement state law, and these ordinances operate in a variety of ways.

BILL ANALYSIS: House Bill 561 would do the following:

- Require the person or board making the determination that a dog is a potentially dangerous dog to impound the dog. Once the determination is upheld following appeal, or if the owner does not appeal the determination, the dog would be returned to the owner upon all of the following:
 - 1) The owner pays the cost of the impoundment.
 - 2) The person or board making the determination finds that the dog will be confined indoors or securely restrained when left unattended on the owner's property.
- Provide that it is a Class 1 misdemeanor for an owner if a dog classified as a dangerous dog or potentially dangerous dog attacks or kills a dog that is on a leash or held in the arms of a person.

EFFECTIVE DATE: October 1, 2019, and applies to acts occurring on or after that date.