



HOUSE BILL 561: Strengthen Dangerous Dog Laws.

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 30, 2019
Introduced by:	Rep. Torbett	Prepared by:	Jessica Sammons
Analysis of:	PCS to First Edition H561-CSBK-10		Staff Attorney

OVERVIEW: *The proposed committee substitute to House Bill 561 would do the following:*

- *Require a dog that has killed or inflicted severe injury to a person or domestic animal be impounded following a determination, and during any subsequent appeal, of dangerous or potentially dangerous. Other dangerous or potentially dangerous dogs may also be impounded, in the discretion of the designated local authority.*
- *Require the owner of any dog that has been impounded to pay impoundment fees and satisfy confinement requirements to retrieve the dog, unless the determination of dangerous or potentially dangerous is overturned on appeal. Failure to pay or satisfy the confinement requirements results in relinquishment of ownership of the dog.*
- *Provide for the same notice and appeal process to determinations of both dangerous and potentially dangerous dogs.*
- *Provide that determinations of dangerous or potentially dangerous are applicable statewide.*
- *Provide that the owner of a dog determined to be dangerous or potentially dangerous that attacks or 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.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

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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.

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: The PCS to House Bill 561 would do the following:

- Require the impoundment of a dog that has killed or inflicted severe injury on a person or domestic animal.
- Allow for the impoundment of a dog that has approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack, in the discretion of the person or Board designated by the county or municipal authority as responsible for making determinations as to dangerous and potentially dangerous.
- If the dog is impounded:
 - The owner of the dog is responsible for paying the fees for the impoundment, unless the determination of dangerous or potentially dangerous is overturned on appeal.
 - The dog may continue to be impounded during any appeals and until either (i) the determination has been overturned on appeal, or (ii) the owner has satisfied confinement requirements in state law and any local ordinance, and has paid the impoundment fees or has entered into a payment plan to pay the fees.
 - If the determination is overturned on appeal, the dog must be promptly returned to the owner, and the owner is not responsible for paying the fees of the impoundment.
 - The owner of the dog will be deemed to relinquish ownership of the dog if the owner (i) fails to pay the impoundment fees or enters into a payment plan for the fees within the time

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set by the authority, or (ii) fails to provide for the adequate confinement of the dog within the time set by the authority. Written notice of the time set by the authority, as well as the effective date of the relinquishment, must be provided to the owner.

- The owner of the dog may voluntarily grant a possessory right in the dog to the authority at any time, provided the decision to relinquish ownership is in writing.
- Require notice in writing to the owner, and an opportunity to appeal, for determinations of both dangerous dogs and potentially dangerous dogs.
- Provide that a dog determined to be dangerous or potentially dangerous maintains that determination statewide.
- 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.