



HOUSE BILL 878: Amend Dangerous Dog Laws.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 3, 2019
Introduced by:	Reps. Harrison, McElraft	Prepared by:	Jessica Sammons
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 878 would provide the following:*

- *A dog that is owned or harbored primarily or in part for the purpose of dog fighting or is trained for dog fighting is not automatically classified as a dangerous dog.*
- *Any ordinance adopted and enforced by a local government for the control of dangerous dogs must be consistent with the requirements under State law for dangerous dogs.*

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 dog fighting, or is trained for dog fighting.
- 3) Is determined to be potentially dangerous (as defined above) 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.

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As the statutes apply equally to dangerous dogs and potentially dangerous dogs, the following applies to both:

- 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 local 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 878 would do the following:

- Amend the definition of "dangerous dog" to provide that any dog owned or harbored primarily or in part for the purpose of dog fighting or is trained in dog fighting is not automatically classified as a dangerous dog. A dog that is owned primarily or in part for the purpose of dog fighting or is trained in dogfighting would have to do one of the following to be classified as a dangerous dog:
 - 1) Kill or inflict severe injury on a person without provocation.
 - 2) Be determined by the designated person or Board to have done one of the following:
 - Inflict a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.
 - Kill or inflict severe injury upon a domestic animal when not on the owner's property.
 - Approach a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
- Require that any local ordinances for the control of dangerous dogs adopted and enforced by a city or county to be consistent with the requirements in State law for dangerous dog.

EFFECTIVE DATE: Effective October 1, 2019.