



HOUSE BILL 851: Clarify Animal Welfare Statutes.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 12, 2021
Introduced by:	Reps. Harrison, McElraft	Prepared by:	Chris Saunders
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 851 would provide that a dog owned or harbored for the purpose of dog fighting, or trained for dog fighting, is not always considered a dangerous dog by definition.*

CURRENT LAW: Under current law, a dangerous dog is defined as one that meets any of the following criteria:

- Has, without provocation, killed or inflicted serious injury on a person.
- Is determined to be potentially dangerous by a person or board authorized by a local government to make that determination.
- Is owned or harbored primarily or in part for the purpose of dog fighting.
- Is trained for dog fighting.

A dog that is identified as a dangerous dog must not be left alone on the owner's property unless it is indoors or in a securely enclosed or locked pen or other structure. The dog must not be allowed off the owner's property unless it is leashed and muzzled. If the owner gives or sells the dog to someone else, the owner must notify the local government in writing about the change in ownership and notify the person who is taking possession of the dog, also in writing, about the dog's dangerous behavior and, if applicable, the local government's determination that the dog is potentially dangerous. Failure to comply with the notification requirements is a Class 3 misdemeanor.

If a dog that has been determined to be dangerous under the law subsequently attacks a person and causes physical injuries that require medical care costing over \$100, the owner may be charged with a Class 1 misdemeanor and is subject to strict liability in a civil suit.

Local governments may also adopt dangerous dog ordinances. Some of these adopt different definitions, impose additional restrictions, or provide different administrative procedures applicable to dangerous dog determinations.

BILL ANALYSIS: House Bill 851 would provide that dogs that are owned or harbored primarily or in part for the purpose of dog fighting, or are trained for dog fighting, are not definitionally considered to be dangerous dogs under the statutes, and would require local government ordinances to comply with the same requirement.

EFFECTIVE DATE: This act would become effective October 1, 2021.

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Director



Legislative Analysis
Division
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