



1 "Animal control authority" means a county agency that  
2 enforces animal laws.

3 "Bite injury" means any contact between an animal's mouth  
4 and teeth and the skin of a bite victim that causes visible  
5 trauma, such as a puncture wound, laceration, or other piercing  
6 of the skin.

7 "Bodily injury" has the same meaning as in section 707-700.

8 "Dangerous dog" means any dog that, without provocation,  
9 causes a bite injury to a person or another animal. A dog's  
10 breed shall not be considered in determining whether it is  
11 dangerous.

12 "Escape-proof kennel" means a kennel:

13 (1) That allows a dog to stand normally and without  
14 restriction, is at least two and one-half times the  
15 length of the dog, and protects the dog from the  
16 elements;

17 (2) Whose fencing or wall materials shall have no openings  
18 or gaps that exceed two inches; and

19 (3) Whose gates, if any, shall be lockable and of such  
20 design as to prevent the entry of children or the  
21 escape of the dog.



1 "Intentionally" has the same meaning as set forth in  
2 section 702-206(1).

3 "Knowingly" has the same meaning as set forth in section  
4 702-206(2).

5 "Microchip" has the same meaning as in section 143-1.

6 "Negligently" has the same meaning as set forth in section  
7 702-206(4).

8 "Officer" has the same meaning as in section 143-1.

9 "Owner" means any person owning, harboring, or keeping a  
10 dog; provided that, if the owner is a minor under the age of  
11 eighteen years, the parents, guardian, or another person having  
12 the care, custody, or control of the minor shall be rebuttably  
13 presumed to be the owner.

14 The person whose current contact information is registered  
15 with a microchip registration company shall rebuttably be  
16 presumed to be the owner of the dog for purposes of this part.

17 "Provocation" means behavior that precipitates a bite  
18 injury caused by a dog under the following circumstances:

- 19 (1) The dog was protecting or defending its owner or a  
20 member of its owner's household from an attack or  
21 assault;



1 (2) The person bitten was committing a crime or offense  
2 while on the property of the owner of the dog;

3 (3) The person bitten was teasing, tormenting, abusing, or  
4 assaulting the dog or at any time in the past had  
5 teased, tormented, abused, or assaulted the dog;

6 (4) The dog was attacked or menaced by an animal, or the  
7 animal was on the property of the owner of the dog;

8 (5) The dog was responding to pain or injury inflicted by  
9 the bitten person or animal;

10 (6) The dog was protecting itself, its kennel, or its  
11 offspring from the bitten person or animal; or

12 (7) The bitten person or animal was disturbing the dog's  
13 natural functions, such as sleeping or eating, while  
14 the dog was on its owner's property.

15 "Recklessly" has the same meaning as set forth in section  
16 702-206(3).

17 "Substantial bodily injury" has the same meaning as defined  
18 in section 707-700.

19 "Substantial injury to any animal" means physical injury to  
20 an animal involving a broken bone, a concussion, a laceration



1 requiring multiple stitches, or a tearing or rupture of an  
2 organ.

3       **§142-B Designation as dangerous dog; basis.** (a) An  
4 officer may find and declare a dog to be a dangerous dog if the  
5 officer has probable cause to believe that the dog falls within  
6 the definition of "dangerous dog". The declaration shall be  
7 based upon:

- 8       (1) The written complaint of a person who is willing to  
9           testify that the dog has acted in a manner that causes  
10          it to fall within the definition of "dangerous dog";  
11       (2) Actions of the dog witnessed by an officer; or  
12       (3) Other substantial evidence admissible in court.

13       (b) The declaration in subsection (a) shall be in writing  
14 and shall be served by the officer upon the owner of the  
15 dangerous dog, if known, using one of the following methods:

- 16       (1) Certified mail to the owner's last known address; or  
17       (2) Personally.

18       (c) The owner of a dog declared to be a dangerous dog may  
19 initiate a contested case with the declarant officer's  
20 department or agency within thirty days following the service  
21 date of the declaration.



1           §142-C Legal requirements of owner. (a) The owner of a  
2 dog declared to be a dangerous dog shall:

3           (1) Provide the owner's name, address, and telephone  
4           number to the animal control authority;

5           (2) Provide the location at which the dangerous dog is  
6           currently kept, if such location is not the owner's  
7           address;

8           (3) Promptly notify the animal control authority of:

9           (A) Any changes in the ownership of the dangerous dog  
10           or the location of the dangerous dog, along with  
11           the names, addresses, and telephone numbers of  
12           the new owners or the new address at which the  
13           dangerous dog is located;

14           (B) Any further instances of an attack by the  
15           dangerous dog upon a person or an animal;

16           (C) Any current or future claims made or legal  
17           actions brought as a result of an attack by the  
18           dangerous dog upon a person or an animal; or

19           (D) The death of the dangerous dog;

20           (4) Microchip the dangerous dog and register the owner's  
21           microchip information pursuant to section 143-2.2;



1 provided that the microchip identification number of  
2 the dangerous dog shall be provided to the animal  
3 control authority;

4 (5) Ensure that the dangerous dog is under the control of  
5 a person who is at least eighteen years of age, when  
6 the dangerous dog is indoors at the owner's premises;

7 (6) Ensure that when the dangerous dog is outdoors on the  
8 owner's premises and unattended, the dangerous dog is  
9 confined to an escape-proof kennel and that the locks  
10 of the kennel remain locked;

11 (7) Ensure that when the dangerous dog is outside on the  
12 owner's premises and attended, the dangerous dog is  
13 kept on a fixed and secure leash no longer than four  
14 feet in length, under the control of a person at least  
15 eighteen years of age, and kept within a fenced or  
16 walled area from which it cannot escape;

17 (8) Ensure that when the dangerous dog is outdoors outside  
18 the owner's premises, the dangerous dog shall be kept  
19 on a fixed and secure leash no longer than four feet  
20 in length, under the control of a person who is at  
21 least eighteen years of age, and muzzled with a



1 properly fitted basket muzzle that prevents the  
2 dangerous dog from biting any person or animal but  
3 does not cause injury to the dangerous dog or  
4 interfere with its vision or respiration;

5 (9) Place a sign or signs provided by the animal control  
6 authority on the owner's premises informing the public  
7 of the presence and dangerousness of the dangerous  
8 dog; and

9 (10) Neuter or spay the dangerous dog at the owner's  
10 expense, unless the neutering or spaying of the  
11 dangerous dog is medically contraindicated.

12 (b) The owner of a dangerous dog who keeps the dangerous  
13 dog in a manner found to be in violation of this section commits  
14 the offense of negligent failure to control a dangerous dog and  
15 the dangerous dog shall be subject to seizure and impoundment  
16 pursuant to this part if the owner is unable to immediately  
17 secure the dangerous dog.

18 **§142-D Rescission of declaration.** (a) The owner of a  
19 dangerous dog may apply to the animal control authority to have  
20 the declaration rescinded after three years if all of the  
21 following requirements have been met:



- 1 (1) The owner and dangerous dog have no subsequent  
2 violations of this part;
- 3 (2) The owner has complied with all the provisions of this  
4 part for a period of three years; and
- 5 (3) The owner provides proof to the animal control  
6 authority of the dangerous dog's successful completion  
7 of a behavior modification or management program  
8 administered by an animal trainer or behaviorist  
9 certified by a nationally recognized organization.
- 10 (b) If the animal control authority finds that the owner  
11 and dangerous dog have complied with all of the requirements of  
12 this section and the owner has provided sufficient evidence that  
13 the dangerous dog's behavior has changed, the animal control  
14 authority shall rescind the declaration.

15 **§142-E Negligent failure to control a dangerous dog;**  
16 **penalties.** (a) An owner of a dangerous dog commits the offense  
17 of negligent failure to control a dangerous dog, if:

- 18 (1) A bite injury occurs due to the failure of an owner of  
19 a dangerous dog to comply with the requirements of  
20 this part; or



- 1           (2) An owner of a dangerous dog negligently fails to take  
2           reasonable measures to prevent the dangerous dog from  
3           causing a bite injury, without provocation, to a  
4           person or another animal and the attack results in:
- 5           (A) The maiming or causing of substantial injury to  
6           any animal or the death of another animal;
- 7           (B) Bodily injury to a person other than the owner;  
8           or
- 9           (C) Substantial bodily injury to or the death of a  
10          person other than the owner.
- 11          (b) An offense under subsection (a) (1) or subsection  
12          (a) (2) (A) or (B) is a misdemeanor and shall subject the owner of  
13          the dangerous dog, without the possibility of suspension of the  
14          sentence, to:
- 15          (1) A fine of not less than \$1,000 and not more than  
16          \$2,000;
- 17          (2) A term of imprisonment of up to six months, or in lieu  
18          of imprisonment, a period of probation of not more  
19          than one year;
- 20          (3) Restitution to any individual who has suffered bodily  
21          injury or property damage as a result of an attack by



1 the dangerous dog if the individual suffers financial  
2 losses or medical expenses due to the attack. As used  
3 in this paragraph, "medical expenses" may include the  
4 costs of necessary counseling or rehabilitative  
5 services; and

6 (4) Payment of all expenses for the boarding and retention  
7 of the dangerous dog if it is seized and impounded  
8 pursuant to this part.

9 (c) Unless the dangerous dog has been or is ordered to be  
10 euthanized, the owner of the dangerous dog shall also be  
11 required to:

12 (1) Meet all of the conditions imposed on an owner of a  
13 dangerous dog pursuant to this part;

14 (2) Obtain liability insurance or post bond of not less  
15 than \$50,000, or in a higher amount, if the court  
16 finds that a higher amount is appropriate to cover  
17 medical or veterinary costs, or both, resulting from  
18 potential future actions of the dangerous dog; and

19 (3) Follow any other condition that the court deems  
20 necessary to restrain or control the dangerous dog.



1 (d) An offense under subsection (a)(2)(C) is a class C  
2 felony and shall subject the owner of a dangerous dog, without  
3 the possibility of suspension of the sentence, to:

4 (1) A fine of not less than \$1,000 and not more than  
5 \$10,000;

6 (2) A term of imprisonment of not less than one year and  
7 not more than five years, pursuant to chapter 706; and

8 (3) Euthanasia of the dangerous dog.

9 **§142-F Impoundment of a dangerous dog.** (a) If there is  
10 probable cause to believe that a dangerous dog has been involved  
11 in a violation of section 142-E, negligent failure to control a  
12 dangerous dog, or if a dangerous dog poses an imminent threat of  
13 bodily injury to a person or another animal; a law enforcement  
14 officer, after obtaining a search warrant, or in any other  
15 manner authorized by law, may enter the premises where the  
16 dangerous dog is located to seize and impound the dog. If,  
17 after reasonable effort, the owner or person having custody of  
18 the dangerous dog cannot be found and notified of the  
19 impoundment, an impoundment notice shall be conspicuously posted  
20 on the premises and within seventy-two hours after the posting,



1 the notice shall be sent by certified mail to the address, if  
2 any, from which the dangerous dog was removed.

3 A law enforcement officer is not liable for any damage  
4 resulting from an entry under this subsection, unless the damage  
5 was caused by acts beyond the scope of the officer's authority,  
6 or the officer's negligence, gross negligence, or intentional  
7 misconduct.

8 (b) The owner of a dangerous dog that has been impounded  
9 under this section may decline to surrender ownership of the  
10 dangerous dog to the animal control authority by paying for  
11 impoundment, care, and provision costs with the animal control  
12 authority in an amount, determined by the animal control  
13 authority, to be sufficient to provide for the dangerous dog's  
14 care by the animal control authority for at least thirty days,  
15 including the day on which the animal was taken into custody.

16 (c) If the owner of a dangerous dog that has been  
17 impounded under this section cannot be located within five days  
18 after the dangerous dog is impounded, ownership of the dangerous  
19 dog shall be deemed relinquished.

20 (d) At the dangerous dog owner's request, impoundment  
21 under this section may occur at the premises of a licensed



1 veterinarian or a commercial kennel of the dangerous dog owner's  
2 choosing; provided that:

3 (1) The owner shall secure the private boarding placement  
4 for the dangerous dog within five days after the  
5 dangerous dog has been impounded by the animal control  
6 authority; and

7 (2) All expenses for the boarding and care of the  
8 dangerous dog shall be borne by the owner of the  
9 dangerous dog.

10 (e) If the owner of the dangerous dog does not arrange for  
11 private boarding placement, the following requirements shall  
12 apply:

13 (1) The owner of the dangerous dog shall pay the animal  
14 control authority within five days after the dangerous  
15 dog is impounded;

16 (2) At the end of the time for which expenses are covered  
17 by an initial or any subsequent impoundment, care, and  
18 provision payment:

19 (A) If the owner of the dangerous dog declines to  
20 surrender ownership of the dangerous dog to the  
21 animal control authority, the owner shall make an



1 additional payment to the animal control  
2 authority at least five days before the  
3 expiration of the previous payment; or

4 (B) If the owner of the dangerous dog has not made an  
5 additional payment in a timely manner to the  
6 animal control authority for impoundment, care,  
7 and provision costs for the dangerous dog,  
8 ownership of the dangerous dog shall be deemed  
9 relinquished.

10 (f) A dangerous dog owner's failure to pay impoundment,  
11 care, and provision costs for the dangerous dog pursuant to this  
12 section shall result in forfeiture of the dangerous dog owner's  
13 right to contest those costs and any ownership rights to the  
14 dangerous dog.

15 (g) Any dangerous dog that is unclaimed by its owner  
16 within five days after the owner has been notified that the  
17 dangerous dog is eligible for release from impoundment shall be  
18 deemed abandoned, and ownership of the dangerous dog shall be  
19 deemed relinquished.

20 (h) If an animal control authority that is impounding a  
21 dangerous dog pursuant to this section determines that the



1 dangerous dog is too dangerous for its staff to safely provide  
2 basic care, the dangerous dog may be euthanized by the animal  
3 control authority.

4 (i) If a licensed veterinarian determines that an  
5 impounded dangerous dog is:

- 6 (1) Experiencing extreme pain or suffering;
- 7 (2) Severely injured past recovery;
- 8 (3) Severely disabled past recovery; or
- 9 (4) Severely diseased past recovery,

10 the dangerous dog may be euthanized by the animal control  
11 authority.

12 (j) An owner of a dangerous dog shall not sell or transfer  
13 the ownership or physical custody of the dangerous dog prior to  
14 the time stated in the court summons, and the citation shall  
15 notify the owner of this prohibition; provided that this  
16 prohibition shall not apply when an owner transfers ownership of  
17 the dangerous dog to an animal control authority.

18 (k) Any person who refuses to surrender a dangerous dog  
19 that is subject to relinquishment pursuant to this section shall  
20 be guilty of a petty misdemeanor.



1           If the owner of a dangerous dog seized and impounded  
2 pursuant to this section fails to appear in court as required,  
3 ownership of the dangerous dog shall be deemed relinquished, and  
4 the court may order disposition of the dangerous dog as it deems  
5 appropriate.

6           (1) Notwithstanding any relinquishment of ownership of the  
7 dangerous dog pursuant to subsection (c), (e), or (g) or  
8 voluntary relinquishment of ownership of the dangerous dog, the  
9 owner shall remain responsible for all expenses incurred in  
10 boarding, caring for, and providing for the dangerous dog and  
11 any fees and penalties that may be imposed by the court.

12           **§142-G Inspection.** Upon presentation of proper  
13 credentials, any officer may enter at reasonable times any  
14 building, structure, or premises in the State for the purpose of  
15 determining and enforcing compliance with this part or of any  
16 court order issued under this part; provided that the entry  
17 shall be made in a manner that causes the least possible  
18 inconvenience to the person in possession or occupying the  
19 building, structure, or premises; provided further that a court  
20 order authorizing the entry shall be obtained if entry is denied  
21 or resisted.



1           **§142-H Exemption.** This part shall not apply to dogs owned  
2 by any law enforcement agency and used in the performance of law  
3 enforcement work.

4           **§142-I Civil action not precluded.** Nothing in this part  
5 shall preclude any person injured by a dangerous dog from  
6 bringing a civil action against the owner of the dangerous dog  
7 pursuant to law."

8           SECTION 3. In codifying the new sections added by section  
9 2 of this Act, the revisor of statutes shall substitute  
10 appropriate section numbers for the letters used in designating  
11 the new sections in this Act.

12           SECTION 4. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15           SECTION 5. This Act shall take effect on January 1, 2025.



**Report Title:**

Owners of Dangerous Dogs; Requirements and Penalties

**Description:**

Establishes requirements and penalties for owners of dangerous dogs. Allows for impounding of dangerous dogs under certain conditions. Takes effect 1/1/2025. (SD1)

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