

HOUSE RESEARCH

Bill Summary

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Overview

The bill makes various changes in the law on cruelty to animals and dangerous dogs. Major items include (1) re-names some current dog regulation categories and makes slight changes in them; (2) provides for animal control authorities to designate dogs as dangerous and provides an appeal process for owners; (3) requires microchip identification for designated dogs and provides a misdemeanor penalty in this connection; (4) makes destruction of certain dogs mandatory rather than discretionary; and (5) creates misdemeanor and civil liability for killing or seriously injuring a service dog.

Section

- 1 **Duties of peace officers.** Authorizes animal control officers to direct law enforcement to investigate possible cruelty to animals.
- 2 **General rule.** Amends current law on the humane disposition of animals. Adds to the law animals that have been the victims of cruelty or used in unlawful animal fights.
- 3 **Notice; right to hearing.** Amends current law on providing notice that an animal is in custody and may be disposed of. Adds to the law animals that have been the victims of cruelty or used in unlawful animal fights.
- 4 **Record of live evidence.**
 - Subd. 1. Photographic record.** Makes a photograph of a seized animal as admissible in evidence as the animal itself, if the photograph meets all the rules of law on the admissibility of photographs into evidence. Specifies information that may be put on the photograph.
 - Subd. 2. Veterinary investigative report.** Makes such a report as admissible in evidence as the animal itself if the report is otherwise admissible under all the laws on admissibility of evidence.
- 5 **Definitions.**
 - Subd. 1. Scope.**

Subd. 2. Dangerous dog. Amends this definition to eliminate the current standard for dangerous. Replaces it with the dog having been declared dangerous by an animal control authority.

Subd. 2a. Destructive dog. Adds a new term that means a dog which has been declared destructive by an animal control authority.

Subd. 3. Potentially dangerous dog. Amends this definition to eliminate the current standards and replace them with the animal control authority declaring the dog potentially dangerous.

Subd. 4. Proper enclosure. Technical amendments.

Subd. 4a. Own. Adds this new term, which is defined to mean "possess, harbor, keep an interest in, or have the care, custody, or control of a dog."

Subd. 5. Owner. Technical amendment that shortens this definition.

Subd. 6. Substantial bodily harm. Technical amendment.

Subd. 6a. Great bodily harm. Uses the criminal code meaning of this term.

Subd. 7. Animal control authority. Technical amendment.

6 **Requirement.** Requires that a destructive dog be treated like a dangerous dog: kept in a proper enclosure.

7 **Dangerous or destructive designation and appeal.** Authorizes an animal control authority to declare a dog dangerous, destructive, potentially dangerous, or potentially destructive. Gives the owner ten days to appeal the designation. Requires the dog to be kept in an enclosure or held in the custody of the animal control authority pending the appeal.

8 **Registration for dangerous and destructive dogs.** Reorganizes current law and makes substantive changes. Eliminates current \$50,000 surety requirement, which is replaced with a new amount in the next section. Imposes a \$1,000 annual fee for dangerous and destructive dogs, in addition to any regular dog licensing fee. References a new microchip identification requirement.

9 **Additional registration requirement for dangerous dogs.** Reorganizes current law that requires dangerous dog owners to have a surety bond for their animals.

10 **Declaration; dangerous.** Lets an animal control authority declare a dog dangerous if it (1) without provocation inflicted substantial or great bodily harm on a human on public or private property; or (2) had been found potentially dangerous and after the owner had notice of that fact, the dog without provocation aggressively bit, attacked, or endangered the safety of a human on or off the owner's property. This is similar to the current definition that is stricken in section 5 except it does not include attacks on domestic animals, which are covered in the current definition of dangerous dog but are moved to a new category called "destructive dog" by this bill (see section 11).

11 **Declaration; destructive.** Lets an animal control authority declare a dog destructive if it destroys domestic animals. This concept is part of the definition of dangerous dog in current law (see section 5).

12 **Declaration; potentially dangerous.** Creates a new version of this term that is limited to the elements of the term in current law that apply to bites and other behaviors directed at humans. Currently, this term also covers biting domestic animals; a version of that concept is moved to the new term created by the bill, "potentially destructive dog."

13 **Declaration' potentially destructive.** New term. Lets an animal control authority declare a dog potentially destructive if the dog without provocation inflicted a bite on a domestic animal while off the owner's property. (Similar to an element of "potentially dangerous dog" in current law.)

14 **Provocation or provoking defined.** The term means an act a reasonable person would expect

to cause a dog to bite.

- 15 **Declaration; exemptions.** Re-writes current law which prohibits an animal control authority from declaring a dog dangerous, destructive, or potentially dangerous or destructive if (1) the dog is used by law enforcement; (2) the damage was sustained by a person who was committing a tort, trespass, or crime or attempt crime; or provoking the dog or had done so in the past; or (3) the dog is a service dog that was attempting to protect itself or its owner.
- 16 **Microchip identification.** Requires the owner of a destructive, dangerous, or potentially destructive or dangerous dog to have a microchip implanted in the dog for identification and bear the costs involved. Requires information about the microchip to be provided to the animal control authority.
- 17 **Dangerous or destructive dogs; additional requirements.** Requires annual registration of such dogs. Requires registration in a new jurisdiction if the owner moves. Requires the owner to notify the animal control authority if the animal dies or is moved to a new jurisdiction. Authorizes an animal control authority to require that a dangerous or destructive dog be sterilized or to sterilize the dog. In either case, the owner pays.. Requires a tenant who has a dangerous or destructive dog to so notify the landlord.
- 18 **Additional regulations.** Lets local units of government impose additional requirements on dogs and dog owners not inconsistent with state law and retains the current ban on local restrictions based solely on dog breed. Currently this provision gives authority to local governments only in regard to potentially dangerous dogs.
- 19 **Seizure.** Amends current law on seizure of dangerous dogs by animal control. Applies this provision to destructive dogs as well. Makes seizure discretionary rather than mandatory if the dog is not registered or properly confined or restrained. Allows discretionary seizure of a dog that has inflicted substantial or great bodily harm on a person, and in the animal control authority's opinion, is an imminent threat to public health or safety. Makes destruction of the dog mandatory rather than discretionary if the owner is convicted of a misdemeanor under the animal control statute.
- 20 **Reclaimed.** Amends the statute on reclaiming a confiscated dangerous dog. Applies the statute to destructive dogs as well. Gives five business days, rather than the current seven calendar days, to reclaim the dog. Makes the owner liable for the costs of confiscating the dog.
- 21 **Appeal.** Specifies the appeal process for dog owners. Requires the animal control authority to deliver written notice to the owner or post notice on the property that a dog has been declared dangerous or destructive. Gives the owner ten calendar days to notify animal control of the intent to appeal. Provides an informal hearing process. Allows appeal to the district court and provides standards for the court proceeding.
- 22 **Penalty.** Stylistic change in current penalty language. Also adds a new misdemeanor: (1) removing a microchip from a dangerous, destructive, or potentially dangerous or destructive dog; (2) failing to account for a dog's death or removal from the jurisdiction; and (3) signing a false affidavit about a dog's death or removal from the jurisdiction.
- 23 **Harm to service dog.** Provides a misdemeanor for an owner whose dog kills or causes great or substantial bodily harm to a service dog. Makes the owner civilly liable to the person or organization who provided the service dog for the costs of replacing and training the service dog. Defines a service dog.
- 24 **Repealer.** Repeals subdivisions of the dangerous dog law that are mostly accounted for by provisions of the bill: the dog warning symbol; special registration fee; law enforcement dogs exempt; other exemptions; counties without dog licensing systems; counties may contract for services; and seizure of dogs for subsequent offenses.

