



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 71

127th General Assembly
(S. Agriculture)

Adds threatening and harassing to the list of actions for which a dog may be killed under certain circumstances.

Replaces the provision in the House-passed version stating that authority to kill an attacking dog does not include authority to kill a police dog with a provision stating that nothing in the law precludes a law enforcement officer from killing a dog that attacks a police dog.

With regard to current law that establishes the liability of the owner, keeper, or harborer of a dog for damages for any injury, death, or loss to person or property that is caused by the dog unless the injury, death, or loss was caused to the person or property of an individual who, at the time, was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harborer, replaces committing or attempting to commit a trespass or other criminal offense with committing or attempting to commit criminal trespass or another criminal offense other than a minor misdemeanor.

States that the owner, keeper, or harborer of an attacking dog is liable if the dog attacks a person who is engaged in door-to-door sales or other solicitations on the owner's, keeper's, or harborer's property, provided that the person was not committing a criminal offense or was not teasing, tormenting, or abusing the dog.

Authorizes an officer to seize and cause to be impounded at an impounding agency a companion animal that the officer has probable cause, rather than reasonable cause, to believe is the subject of an offense of abuse or neglect.

Makes several procedural changes in the provisions regarding the notice of seizure and impoundment of a companion animal in the House-passed version, including adding a requirement that the notice include a statement that a probable cause hearing is to occur within a certain time period of the notice being provided.

* This synopsis does not address amendments that may have been adopted on the Senate floor.

Rather than allowing the owner of a companion animal that has been seized and impounded to request a hearing for probable cause as in the House-passed version, requires a court to hold a hearing on whether an officer impounding a companion animal had probable cause to seize the animal and, if probable cause exists, to determine the amount of bond or cash deposit to provide for the companion animal's care, and makes necessary conforming changes.

With regard to a provision in the House-passed version that requires an impounding agency to compensate the owner of a companion animal that cannot be returned by the agency as ordered by a court, adds that the owner must be compensated if the animal cannot be returned because it has died or was injured as a result of neglect or misconduct by the impounding agency.

Adds that the owner of a companion animal that was injured as discussed above is to be paid in an amount determined by the court to be equal to the reasonable cost of treatment of the injury to the companion animal.

Requires the owner of a companion animal that is seized and impounded and concerning which a court has determined that probable cause exists to impound the animal to post a bond or cash deposit to provide for the companion animal's care rather than authorizing the owner of a seized companion animal to post a bond or cash deposit no later than ten days after notice of seizure and impoundment as in the House-passed version.

Adds provisions regarding the care, treatment, and inspection of a companion animal when charges have been filed against the custodian or caretaker of the companion animal, but the companion animal has not been impounded.

Restores the prohibition in existing law against being present at a dogfight.

Removes from the House-passed version the seizure and impoundment provisions regarding roosters that have been, are, or are intended to be used in cockfighting, and makes necessary conforming changes.

Authorizes an officer to seize and cause to be impounded at an impounding agency a fighting dog that the officer has probable cause, rather than reasonable cause, to believe is the subject of a dogfighting offense.