



Senate

General Assembly

File No. 347

January Session, 2007

Senate Bill No. 1079

Senate, April 5, 2007

The Committee on Environment reported through SEN. FINCH of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING DOGS THAT ATTACK DOMESTIC ANIMALS OR LIVESTOCK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-358 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Any owner or the agent of any owner of any domestic animal or
4 poultry, or the Chief Animal Control Officer or any animal control
5 officer or any municipal animal control officer, regional animal control
6 officer or any police officer or state policeman, may kill any dog which
7 he observes pursuing or worrying any such domestic animal or
8 poultry.

9 (b) Any person who is bitten, or who shows visible evidence of
10 attack by a dog, cat or other animal when such person is not upon the
11 premises of the owner or keeper of such dog, cat or other animal may
12 kill such dog, cat or other animal during such attack. Such person shall
13 make complaint concerning the circumstances of the attack to the Chief

14 Animal Control Officer, any animal control officer or the municipal
15 animal control officer or regional animal control officer of the town
16 wherein such dog, cat or other animal is owned or kept. Any such
17 officer to whom such complaint is made shall immediately make an
18 investigation of such complaint.

19 (c) If such officer finds that the complainant has been bitten or
20 attacked by such dog, cat or other animal when the complainant was
21 not upon the premises of the owner or keeper of such dog, cat or other
22 animal the officer shall quarantine such dog, cat or other animal in a
23 public pound or order the owner or keeper to quarantine it in a
24 veterinary hospital, kennel or other building or enclosure approved by
25 the commissioner for such purpose. When any dog, cat or other animal
26 has bitten a person on the premises of the owner or keeper of such
27 dog, cat or other animal, the Chief Animal Control Officer, any animal
28 control officer, any municipal animal control officer or regional animal
29 control officer may quarantine such dog, cat or other animal on the
30 premises of the owner or keeper of such dog, cat or other animal. The
31 commissioner, the Chief Animal Control Officer, any animal control
32 officer, any municipal animal control officer or any regional animal
33 control officer may make any order concerning the restraint or
34 disposal of any biting dog, cat or other animal as the commissioner or
35 such officer deems necessary. Notice of any such order shall be given
36 to the person bitten by such dog, cat or other animal within twenty-
37 four hours. The owner of such animal shall pay all fees as set forth in
38 section 22-333. On the fourteenth day of such quarantine the dog, cat
39 or other animal shall be examined by the commissioner or someone
40 designated by the commissioner to determine whether such quarantine
41 shall be continued or removed. Whenever any quarantine is ordered
42 under the provisions of this section, notice thereof shall be given to the
43 commissioner and to the person bitten or attacked by such dog, cat or
44 other animal within twenty-four hours. Any owner or keeper of such
45 dog, cat or other animal who fails to comply with such order shall be
46 fined not more than two hundred fifty dollars or imprisoned not more
47 than thirty days or both. If an owner or keeper fails to comply with a
48 quarantine or restraining order made pursuant to this subsection, the

49 Chief Animal Control Officer, any animal control officer, any
50 municipal animal control officer or regional animal control officer may
51 seize the dog, cat or other animal to insure such compliance and the
52 owner or keeper shall be responsible for any expenses resulting from
53 such seizure. Any person aggrieved by an order of any municipal
54 animal control officer, the Chief Animal Control Officer, any animal
55 control officer or any regional animal control officer may request a
56 hearing before the commissioner within fourteen days of the issuance
57 of such order. After such hearing, the commissioner may affirm,
58 modify or revoke such order as the commissioner deems proper. Any
59 dog owned by a police agency of the state or any of its political
60 subdivisions is exempt from the provisions of this subsection when
61 such dog is under the direct supervision, care and control of an
62 assigned police officer, has been vaccinated annually and is subject to
63 routine veterinary care.

64 (d) Any dog, while actually worrying or pursuing deer, may be
65 killed by the Chief Animal Control Officer or an animal control officer
66 or by a conservation officer or special conservation officer appointed
67 by the Commissioner of Environmental Protection, or by any police
68 officer or state policeman. The owner or keeper of any dog found
69 worrying or pursuing a deer shall be fined not less than twenty-five
70 dollars nor more than two hundred dollars or imprisoned not more
71 than sixty days or both.

72 (e) Any person who kills any dog, cat or other animal in accordance
73 with the provisions of this section shall not be held criminally or civilly
74 liable therefor.

75 (f) The owner of any dog, cat or other animal which has bitten or
76 attacked a person and has been quarantined pursuant to subsection (c)
77 of this section may authorize the humane euthanization of such dog,
78 cat or other animal by a licensed veterinarian at any time before the
79 end of the fourteenth day of such quarantine. Any such dog, cat or
80 other animal so euthanized before the end of the fourteenth day of
81 quarantine shall be examined for rabies by the Connecticut

82 Department of Public Health virology laboratory or any other
83 laboratory authorized by the Department of Public Health to perform
84 rabies examinations. The veterinarian performing the euthanasia shall
85 be responsible for ensuring that the head of the euthanized animal is
86 delivered by him or his designated agent within forty-eight hours to an
87 appropriate laboratory designated by said department for rabies
88 examination.

89 (g) Repealed by P.A. 05-175, S. 24.

90 (h) A person who sustains damage by a dog to such person's
91 poultry, ratite, domestic rabbit, companion animal or livestock as
92 defined in section 22-278 shall make complaint concerning
93 circumstances of the attack by such dog on any such animal or
94 livestock to the Chief Animal Control Officer, any animal control
95 officer or the municipal animal control officer or regional animal
96 control officer of the town in which such dog is owned or kept. An
97 officer to whom such complaint is made shall immediately investigate
98 such complaint. If such officer finds that the complainant's animal has
99 been bitten or attacked by a dog when the attacked animal was not on
100 the premises of the owner or keeper of the attacking dog and provided
101 the complainant's animal was under the control of the complainant or
102 on the complainant's property, such officer, the commissioner, the
103 Chief Animal Control Officer or any animal control officer may make
104 any order concerning the restraint or disposal of such attacking dog as
105 the commissioner or such officer deems necessary. An owner or keeper
106 of such dog who fails to comply with such order shall be fined not
107 more than two hundred fifty dollars or imprisoned not more than
108 thirty days, or both. If the owner or keeper of such dog fails to comply
109 with an order made pursuant to this subsection, the Chief Animal
110 Control Officer or any animal control officer, municipal animal control
111 officer or regional animal control officer may seize the dog to ensure
112 such compliance, and the owner or keeper of such dog shall be
113 responsible for any expenses resulting from such seizure. A person
114 aggrieved by an order of the Chief Animal Control Officer or any
115 animal control officer, municipal animal control officer or regional

116 animal control officer made pursuant to this subsection may request a
117 hearing before the commissioner not later than fourteen days after the
118 issuance of such order. After such hearing, the commissioner may
119 affirm, modify or revoke such order as the commissioner deems
120 proper. A dog owned by a police agency of the state or any of its
121 political subdivisions is exempt from the provisions of this section
122 when such dog is under the direct supervision, care and control of an
123 assigned police officer, has been vaccinated annually and is subject to
124 routine veterinary care.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	22-358

ENV *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Agriculture	GF - Cost	Minimal	Minimal
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Department (Probation); Correction,Dept.	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

Explanation

It is anticipated that the process created in the bill to deal with dogs that damage peoples pets and other animals is anticipated to result in a minimal workload increase and additional hearings. The additional cost to the Department of Agriculture for the hearings is estimated at \$5,000-\$10,000 a year plus staff time.

It is anticipated that the procedure established in the bill will have a minimal workload impact on municipal animal control officers that could be handled within their existing duties.

Any revenue from criminal fines imposed under the bill or marginal cost for incarceration and/or probation supervision in the community as a result of the bill would be minimal.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation. Potential revenues would remain constant into the future since they are set by statute.

OLR Bill Analysis**SB 1079*****AN ACT CONCERNING DOGS THAT ATTACK DOMESTIC ANIMALS OR LIVESTOCK.*****SUMMARY:**

This bill creates a process to address dogs that damage people's pets and other animals that is similar to the law's process for dogs and other animals that bite people. The bill requires (1) anyone whose animal is attacked by a dog to report the incident to an animal control officer (ACO) and (2) the ACO to investigate. The bill allows the Department of Agriculture (DOAG) commissioner or an ACO to make any order concerning the restraint or disposal of such an attacking dog after an ACO investigates.

Under the bill, if the owner or keeper of an attacking dog fails to comply with an ACO's order: (1) an ACO may seize the dog to ensure compliance; (2) its owner or keeper is responsible for any expenses resulting from the seizure; and (3) he or she is subject to a fine of up to \$250, may be imprisoned for up to 30 days, or both.

The bill allows anyone aggrieved by an order to request a hearing before the commissioner no later than 14 days after the order is issued. After the hearing, the commissioner may affirm, modify, or revoke the order as he deems proper.

The bill exempts from its provisions dogs that a state or local police agency owns if they (1) are under the direct supervision, care, and control of an assigned police officer; (2) have received yearly vaccinations; and (3) are subject to routine veterinary care.

EFFECTIVE DATE: October 1, 2007

DOGS THAT DAMAGE OTHER ANIMALS

Under the bill, if a dog damages a person's poultry, ratite (e.g., emu or ostrich), domestic rabbit, companion animal, or livestock he or she must make a complaint concerning the attack to an ACO (state, regional, or municipal). By law, livestock includes cattle, camelid (i.e., llamas and camels), and a hooved animal a person raises for domestic or commercial use. The bill requires the ACO to immediately investigate the complaint. The commissioner, the state's chief ACO, or an ACO may make any order they deem necessary concerning the restraint or disposal of the attacking dog, if the investigating ACO finds that a dog attacked or bit the complainant's animal when it (1) was not on the property of the attacking dog's owner or keeper and (2) the complainant's animal was under his or her control or on his or her property.

BACKGROUND

Disposition of Dogs that Bite People

By law, the victim of a dog or animal bite must report the attack to an ACO. The ACO must immediately investigate the attack. The law requires an ACO to quarantine a dog or other animal that has bitten someone off its owner's property. The animal must be quarantined for 14 days in a public pound, veterinary hospital, or place approved by the DOAG commissioner. The purpose of the quarantine is to ensure the animal does not have rabies and to examine its demeanor. The owner must pay all fees associated with this.

An ACO or the DOAG commissioner may make any order he deems necessary concerning the restraint or disposal of a dog or animal that bites a person. Notice of the order must be given to the person bitten by the animal within 24 hours. Anyone aggrieved by an ACO's order may request a hearing before the commissioner within 14 days of its issuance. The commissioner after the hearing may affirm, modify, or revoke the order.

ACOs can seize an animal that bit a person when the owner does not comply with the restraining or quarantine order. The owner may also be fined up to \$250, imprisoned for up to 30 days, or both (CGS §

22-358 (c)).

A dog’s owner or keeper is liable for any damage caused by his dog to a person’s body or property, unless the damage was sustained while the person was committing a trespass or other tort, or teasing, abusing, or tormenting the dog.

Reporting and Killing

Anyone who is bitten by a dog or who shows visible evidence of having been attacked may kill the dog during the attack if it happens off the animal owner's or keeper's premises. The law exempts anyone killing a biting dog in accordance with this law from criminal or civil liability.

By law, a livestock or poultry owner, or his agent, who observes a dog pursuing or worrying his animals, may kill the dog without civil or criminal liability.

If a dog has killed livestock, the livestock owner may report the loss to the town’s chief administrative official within 24 hours, and the town must reimburse him (the law provides a process for determining the amount, with the burden of proof being on the person making the claim) for the estimated value of the animals lost. The town may recover that amount plus other expenses from the dog’s owner or keeper. If the town pays more than \$100 and it cannot collect reimbursement from the dog owner, it can forward information about the case to the Agriculture Commissioner who may request that the Treasurer reimburse the town (CGS § 22-355).

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 31 Nay 0 (03/21/2007)