Senate

General Assembly

File No. 337

January Session, 2015

Senate Bill No. 802

Senate, March 31, 2015

The Committee on Public Safety and Security reported through SEN. LARSON of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING LIABILITY FOR DAMAGE CAUSED BY A POLICE DOG.

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

Section 1. Section 22-357 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

If any dog does any damage to either the body or property of any person, the owner or keeper, or, if the owner or keeper is a minor, the parent or guardian of such minor, shall be liable for the amount of such damage, except when such damage has been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, was under seven years of age at the time such damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action. <u>In an action under this section against a household</u>

15 member of a law enforcement officer to whom has been assigned a dog
16 owned by a law enforcement agency of the state, any political
17 subdivision of the state or the federal government for damage done by
18 such dog, it shall be presumed that such household member is not a
19 keeper of such dog and the burden of proof shall be upon the plaintiff
20 to establish that such household member was a keeper of such dog and
21 had exclusive control of such dog at the time such damage was
22 sustained. For the purposes of this section, "property" includes, but is
23 not limited to, a companion animal, as defined in section 22-351a, and
24 "the amount of such damage", with respect to a companion animal,
25 includes expenses of veterinary care, the fair monetary value of the
26 companion animal and burial expenses for the companion animal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2015*	22-357

PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which establishes that a person sharing a household with a law enforcement officer assigned a dog is not presumed to be a keeper of such dog, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis
SB 802

AN ACT CONCERNING LIABILITY FOR DAMAGE CAUSED BY A POLICE DOG.

SUMMARY:

The law imposes strict liability on the owner or "keeper" of a dog for any damage to a person or property the dog causes, except in cases where the damage was done to someone who was teasing, tormenting, or abusing the dog or committing trespass or another tort (CGS § 22-357). By law, a "keeper is any person, other than the owner, harboring or having in his possession any dog" (CGS § 22-327(6)).

This bill creates a rebuttable presumption that a member of a law enforcement officer's household where the officer keeps a dog assigned to him or her by the town, state, or federal government is not the dog's keeper. (A "rebuttable presumption" is an assumption of fact accepted by the court until disproved.) Therefore, in any action against such a household member for damage done by the dog, the plaintiff has the burden of proof to establish that the household member was the dog's keeper and had exclusive control of the dog.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Minors and the Dog Bite Statute

Under the dog bite statute, if the owner or keeper of the dog that caused the damage is a minor, the parent or guardian is strictly liable. If an action is brought under this statute on behalf of a minor under age seven, it must be presumed that he or she was not committing a trespass or other tort, or teasing, tormenting, or abusing the dog, and the burden of proof is on the defendant.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable
Yea 25 Nay 0 (03/17/2015)