



General Assembly

January Session, 2015

Raised Bill No. 6732

LCO No. 3092



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING THE APPEAL OF RESTRAINT AND DISPOSAL ORDERS ISSUED BY ANIMAL CONTROL OFFICERS.

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 Section 22-358 of the general statutes is repealed and the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, 2015*):

3 (a) Any owner or the agent of any owner of any domestic animal or
4 poultry, or the Chief Animal Control Officer, any animal control
5 officer, any municipal animal control officer, any regional animal
6 control officer or any police officer or state policeman, may kill any
7 dog [which he] that the commissioner observes pursuing or worrying
8 any such domestic animal or 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) (1) 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.

26 (2) When any dog, cat or other animal has bitten a person on the
27 premises of the owner or keeper of such dog, cat or other animal, the
28 Chief Animal Control Officer, any animal control officer, any
29 municipal animal control officer or any regional animal control officer
30 [may] shall quarantine such dog, cat or other animal on the premises of
31 the owner or keeper of such dog, cat or other animal, in a public pound
32 or order the owner or keeper to quarantine such dog, cat or other
33 animal in a veterinary hospital, kennel or other building or enclosure
34 approved by the commissioner for such purpose.

35 (3) On the fourteenth day of any quarantine ordered pursuant to
36 subdivision (1) or (2) of this subsection, the dog, cat or other animal
37 shall be examined for the signs of rabies by the commissioner or the
38 commissioner's designee to determine whether such quarantine shall
39 be continued or removed. Whenever any quarantine is ordered
40 pursuant to the provisions of subdivision (1) or (2) of this subsection,
41 the officer who makes such order shall provide notice of such order to
42 the commissioner and to the person bitten or attacked by such dog, cat
43 or other animal not later than twenty-four hours after the issuance of
44 such order. The owner of such dog, cat or other animal shall pay all
45 fees, as set forth in section 22-333.

46 (4) The commissioner, the Chief Animal Control Officer, any animal
47 control officer, any municipal animal control officer or any regional
48 animal control officer may make any order concerning the restraint or
49 disposal of any biting dog, cat or other animal as the commissioner or
50 such officer deems necessary. Notice of any such order shall be given
51 to the person bitten by such dog, cat or other animal within twenty-
52 four hours. [The owner of such animal shall pay all fees as set forth in
53 section 22-333. On the fourteenth day of such quarantine the dog, cat
54 or other animal shall be examined by the commissioner or someone
55 designated by the commissioner to determine whether such quarantine
56 shall be continued or removed. Whenever any quarantine is ordered
57 under the provisions of this section, notice thereof shall be given to the
58 commissioner and to the person bitten or attacked by such dog, cat or
59 other animal within twenty-four hours.]

60 (5) Any owner or keeper of such dog, cat or other animal who fails
61 to comply with [such] any order issued pursuant to this subsection
62 shall be guilty of a class D misdemeanor. If an owner or keeper fails to
63 comply with a quarantine, disposal or restraining order made
64 pursuant to this subsection, the Chief Animal Control Officer, any
65 animal control officer, any municipal animal control officer or any
66 regional animal control officer may seize the dog, cat or other animal
67 to ensure such compliance and the owner or keeper shall be
68 responsible for any expenses resulting from such seizure.

69 (6) [Any person aggrieved by an order of any municipal animal
70 control officer, the Chief Animal Control Officer, any animal control
71 officer or any regional animal control officer may request a hearing
72 before the commissioner within fourteen days of the issuance of such
73 order. Any order issued pursuant to this section that requires the
74 restraint of an animal shall be effective upon its issuance and shall
75 remain in effect during any appeal of such order to the commissioner.
76 After such hearing, the commissioner may affirm, modify or revoke
77 such order as the commissioner deems proper.] Any person aggrieved
78 by an order of disposal or restraint issued pursuant to this subsection

79 may appeal to the Superior Court having jurisdiction in the
80 municipality where the order was issued not later than ten days after
81 the issuance of such order. If, after such ten-day period, no appeal is
82 made, such order shall be final. The court may affirm, modify or
83 revoke such order as the court deems proper. Any order issued
84 pursuant to this subsection that requires the restraint of a dog, cat or
85 other domestic animal shall be effective upon its issuance and shall
86 remain in effect during any appeal of such order to the Superior Court.

87 (Z) Any dog owned by a police agency of the state or any of its
88 political subdivisions is exempt from the provisions of this subsection
89 when such dog is under the direct supervision, care and control of an
90 assigned police officer, is currently vaccinated and is subject to routine
91 veterinary care. Any guide dog owned or in the custody and control of
92 a blind person or a person with a mobility impairment is exempt from
93 the provisions of this subsection when such guide dog is under the
94 direct supervision, care and control of such person, is currently
95 vaccinated and is subject to routine veterinary care.

96 (d) Any dog, while actually worrying or pursuing deer, may be
97 killed by the Chief Animal Control Officer or an animal control officer
98 or by a conservation officer or special conservation officer appointed
99 by the Commissioner of Energy and Environmental Protection, or by
100 any police officer or state policeman. The owner or keeper of any dog
101 found worrying or pursuing a deer shall be guilty of a class D
102 misdemeanor.

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

106 (f) The owner of any dog, cat or other animal which has bitten or
107 attacked a person and has been quarantined pursuant to subsection (c)
108 of this section may authorize the humane euthanization of such dog,
109 cat or other animal by a licensed veterinarian at any time before the

110 end of the fourteenth day of such quarantine. Any such dog, cat or
111 other animal so euthanized before the end of the fourteenth day of
112 quarantine shall be examined for rabies by the Connecticut
113 Department of Public Health virology laboratory or any other
114 laboratory authorized by the Department of Public Health to perform
115 rabies examinations. The veterinarian performing the euthanasia shall
116 be responsible for ensuring that the head of the euthanized animal is
117 delivered by him or his designated agent within forty-eight hours to an
118 appropriate laboratory designated by said department for rabies
119 examination.

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

121 (h) A person who sustains damage by a dog to such person's
122 poultry, ratite, domestic rabbit, companion animal or livestock as
123 defined in section 22-278 shall make complaint concerning
124 circumstances of the attack by such dog on any such animal or
125 livestock to the Chief Animal Control Officer, any animal control
126 officer or the municipal animal control officer or regional animal
127 control officer of the town in which such dog is owned or kept. An
128 officer to whom such complaint is made shall immediately investigate
129 such complaint. If such officer finds that the complainant's animal has
130 been bitten or attacked by a dog when the attacked animal was not on
131 the premises of the owner or keeper of the attacking dog and provided
132 the complainant's animal was under the control of the complainant or
133 on the complainant's property, such officer, the commissioner, the
134 Chief Animal Control Officer or any animal control officer may make
135 any order concerning the restraint or disposal of such attacking dog as
136 the commissioner or such officer deems necessary. An owner or keeper
137 of such dog who fails to comply with such order shall be guilty of a
138 class D misdemeanor. If the owner or keeper of such dog fails to
139 comply with an order made pursuant to this subsection, the Chief
140 Animal Control Officer or any animal control officer, municipal animal
141 control officer or regional animal control officer may seize the dog to
142 ensure such compliance, and the owner or keeper of such dog shall be

143 responsible for any expenses resulting from such seizure. [A person
144 aggrieved by an order of the Chief Animal Control Officer or any
145 animal control officer, municipal animal control officer or regional
146 animal control officer made pursuant to this subsection may request a
147 hearing before the commissioner not later than fourteen days after the
148 issuance of such order. After such hearing, the commissioner may
149 affirm, modify or revoke such order as the commissioner deems
150 proper.] Any person aggrieved by an order issued pursuant to this
151 subsection may appeal to the Superior Court having jurisdiction in the
152 municipality where the order was issued not later than ten days after
153 the issuance of such order. If after such ten-day period no appeal is
154 made, such order shall be final. The court may affirm, modify or
155 revoke such order as the court deems proper. Any order issued
156 pursuant to this subsection that requires the restraint of a dog, cat or
157 other domestic animal shall be effective upon its issuance and shall
158 remain in effect during any appeal of such order to the Superior Court.
159 A dog owned by a police agency of the state or any of its political
160 subdivisions is exempt from the provisions of this [section] subsection
161 when such dog is under the direct supervision, care and control of an
162 assigned police officer, has been vaccinated annually and is subject to
163 routine veterinary care.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	22-358

Statement of Purpose:

To provide for the appeal of quarantine, disposal or restraint orders concerning certain dogs, cats or other animals to the Superior Court rather than to the Commissioner of Agriculture.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]