



House of Representatives

General Assembly

File No. 438

February Session, 2024

House Bill No. 5257

House of Representatives, April 11, 2024

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING LIABILITY FOR DAMAGE TO PERSON OR PROPERTY CAUSED BY A DOG.

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

1 Section 1. Section 22-357 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) As used in this section:

4 (1) "Law enforcement officer" means: Each officer, employee or other
5 person otherwise paid by or acting as an agent of (A) the Division of
6 State Police within the Department of Emergency Services and Public
7 Protection; (B) the Office of the State Capitol Police; (C) a municipal
8 police department; and (D) the Department of Correction;

9 (2) "Property" includes, but is not limited to, a companion animal, as
10 defined in section 22-351a; and

11 (3) "The amount of such damage", with respect to a companion
12 animal, includes expenses of veterinary care, the fair monetary value of

13 the companion animal, including all training expenses for a guide dog
14 owned by a blind person or an assistance dog owned by a deaf or
15 mobility impaired person and burial expenses for the companion
16 animal.

17 (b) If any dog does any damage to either the body or property of any
18 person, the owner or keeper, or, if the owner or keeper is a minor, the
19 parent or guardian of such minor, shall be jointly and severally liable
20 for the amount of such damage, except when such damage has been
21 occasioned to the body or property of a person who, at the time such
22 damage was sustained, was committing a trespass or other tort, or was
23 teasing, tormenting or abusing such dog. If a minor, on whose behalf an
24 action under this section is brought, was under seven years of age at the
25 time such damage was done, it shall be presumed that such minor was
26 not committing a trespass or other tort, or teasing, tormenting or
27 abusing such dog, and the burden of proof thereof shall be upon the
28 defendant in such action. In an action under this section against a
29 household member of a law enforcement officer to whom has been
30 assigned a dog owned by a law enforcement agency of the state, any
31 political subdivision of the state or the federal government for damage
32 done by such dog, it shall be presumed that such household member is
33 not a keeper of such dog and the burden of proof shall be upon the
34 plaintiff to establish that such household member was a keeper of such
35 dog and had exclusive control of such dog at the time such damage was
36 sustained.

37 Sec. 2. Section 22-364b of the 2024 supplement to the general statutes
38 is repealed and the following is substituted in lieu thereof (*Effective*
39 *October 1, 2024*):

40 The owner or keeper of a dog shall restrain and control such dog on
41 a leash when such dog is not on the property of its owner or keeper and
42 is in proximity to a person with a disability accompanied by a service
43 animal, provided such service animal is readily identifiable as a service
44 animal, is in the direct custody of such person and is licensed in
45 accordance with section 22-345. Any person who violates the provisions

46 of this section shall have committed an infraction. If an owner or keeper
47 of a dog violates the provisions of this section and, as a result of such
48 violation, such dog attacks and injures the service animal, such owner
49 or keeper shall be jointly and severally liable, as provided in section 22-
50 357, as amended by this act, for any damage done to such service animal,
51 and such liability shall include liability for any costs incurred by such
52 person for the veterinary care, rehabilitation or replacement of the
53 injured service animal and for reasonable attorney's fees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	22-357
Sec. 2	<i>October 1, 2024</i>	22-364b

JUD *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 holds a dog's owner(s) and keeper(s) jointly and severally liable for certain damage to person or to property, is not expected to result in a cost to the state or to municipalities. This change is not anticipated to materially impact court operations.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**HB 5257*****AN ACT CONCERNING LIABILITY FOR DAMAGE TO PERSON OR PROPERTY CAUSED BY A DOG.*****SUMMARY**

This bill makes a dog's owner or keeper jointly and severally liable for any damage the dog causes to a person's body or property. Therefore, under the bill, both the owner and keeper may be found liable. Under current law, a dog's owner or keeper is liable for the damage the dog causes. (This is a strict liability statute, meaning it does not require the victim to prove that the dog's owner or keeper (1) knew that the dog was vicious or (2) was otherwise negligent.)

As under existing law, unchanged by the bill, liability will not accrue if the damage to the person or property happened while the person was committing a trespass or other tort or was teasing, abusing, or tormenting the dog. The law presumes that (1) anyone under the age of seven was not committing a trespass or teasing the dog unless the defendant can prove otherwise and (2) 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.

The bill also makes a dog's owner or keeper jointly and severally liable if the dog attacks and injures a service animal. Under current law, the dog's owner or keeper is liable for damages, which include the cost of veterinary care, rehabilitation or replacement of the injured animal, and reasonable attorney fees. By law, the dog's owner or keeper must control the dog on a leash when near a person accompanied by a service animal.

EFFECTIVE DATE: October 1, 2024

BACKGROUND

Related Law

By law, if damage has been caused by two or more dogs at the same time and the dogs are kept by more than one person, the dogs' owners or keepers are jointly and severally liable for the damage (CGS § 22-356).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 26 Nay 11 (03/26/2024)