



House of Representatives

File No. 615

General Assembly

February Session, 2024

(Reprint of File No. 438)

House Bill No. 5257
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 25, 2024

**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 Section 22-357 of the general statutes is repealed and the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] both, shall be liable for the
19 amount of such damage. If the owner or keeper is a minor, the parent or
20 guardian of such minor, shall be liable for the amount of such damage,
21 except when such damage has been occasioned to the body or property
22 of a person who, at the time such damage was sustained, was
23 committing a trespass or other tort, or was teasing, tormenting or
24 abusing such dog. If a minor, on whose behalf an action under this
25 section is brought, was under seven years of age at the time such
26 damage was done, it shall be presumed that such minor was not
27 committing a trespass or other tort, or teasing, tormenting or abusing
28 such dog, and the burden of proof thereof shall be upon the defendant
29 in such action. In an action under this section against a household
30 member of a law enforcement officer to whom has been assigned a dog
31 owned by a law enforcement agency of the state, any political
32 subdivision of the state or the federal government for damage done by
33 such dog, it shall be presumed that such household member is not a
34 keeper of such dog and the burden of proof shall be upon the plaintiff
35 to establish that such household member was a keeper of such dog and
36 had exclusive control of such dog at the time such damage was
37 sustained.

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39 is repealed and the following is substituted in lieu thereof (*Effective*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

41 The owner or keeper of a dog shall restrain and control such dog on
42 a leash when such dog is not on the property of its owner or keeper and
43 is in proximity to a person with a disability accompanied by a service
44 animal, provided such service animal is readily identifiable as a service

45 animal, is in the direct custody of such person and is licensed in
46 accordance with section 22-345. Any person who violates the provisions
47 of this section shall have committed an infraction. If an owner or keeper
48 of a dog violates the provisions of this section and, as a result of such
49 violation, such dog attacks and injures the service animal, such owner,
50 [or] keeper, or both, shall be liable, as provided in section 22-357, as
51 amended by this act, for any damage done to such service animal, and
52 such liability shall include liability for any costs incurred by such person
53 for the veterinary care, rehabilitation or replacement of the injured
54 service animal and for reasonable attorney's fees.

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

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 both a dog's owner(s) and keeper(s) 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.

House "A" makes clarifying changes to the underlying bill and results in no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5257 (as amended by House "A")******AN ACT CONCERNING LIABILITY FOR DAMAGE TO PERSON OR PROPERTY CAUSED BY A DOG.*****SUMMARY**

This bill makes a dog's owner, keeper, or both liable for any damage the dog causes to a person's body or property. 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, keeper, or both 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.

*House Amendment "A" specifies that a dog's owner, keeper, or both

are liable for damage the dog causes, rather than specifying that the owner or keeper are jointly and severally liable, as in the underlying bill.

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)