

House Bill 148

By: Representatives Maddox of the 172nd, Black of the 174th, Taylor of the 173rd, Battles of the 15th, and Atwood of the 179th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to
2 extensively revise provisions relating to dogs and especially provisions relating to dangerous
3 and vicious dogs; to define and redefine terms; to provide for liability for injuries and
4 damage caused by dogs; to prohibit the training of dogs to attack humans in residential areas
5 unless expressly permitted by the applicable zoning; to provide for court orders for the
6 euthanasia of dogs; to provide public safety and administrative procedures for the
7 identification of dangerous and vicious dogs; to require a certificate of registration for the
8 possession of a dangerous or vicious dog and to require certain safety and indemnity
9 measures as a condition of registration; to require notice by the owner of the escape or
10 movement of a dangerous or vicious dog; to provide safety measures for the movement of
11 such dogs; to define criminal offenses and provide for punishment; to provide that persons
12 convicted of certain crimes may not own certain dogs; to provide for transition with respect
13 to previously classified dogs; to amend Code Section 51-2-7 of the Official Code of Georgia
14 Annotated, relating to liability for injury caused by vicious or dangerous animals, so as to
15 provide for a conforming amendment; to state legislative intent; to provide for other related
16 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
17 other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 SECTION 1.

20 Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by
21 revising Chapter 8, relating to dogs, as follows:

22 "CHAPTER 8
23 ARTICLE 1

24 4-8-1.

25 No person shall intentionally abandon a dead dog on any private property belonging to
26 another unless the person so doing shall have first obtained permission from the owner of
27 the property on which the dog is being left and the provisions of Code Section 4-5-3 are
28 complied with in full.

29 4-8-2.

30 No person shall abandon a dead dog on any public property or public right of way unless
31 the place in which the dog is being left is a public dump or other facility designed for
32 receiving such and has been designated by the local governmental authorities as a public
33 facility for receiving trash or refuse and the provisions of Code Section 4-5-3 are complied
34 with in full.

35 4-8-3.

36 No person shall release a dog on any property, public or private, with the intention of
37 abandoning the dog.

38 4-8-4.

39 (a) The owner or, if no owner can be found, the custodian exercising care and control over
40 any dog which ~~goes upon the land of another and~~ while off the owner's property causes
41 injury, death, or damage directly or indirectly to any livestock, ~~or poultry, or domestic~~
42 animal shall be civilly liable to the owner of the livestock, ~~or poultry, or domestic animal~~
43 for damages, death, or injury caused by the dog. The owner or, if no owner can be found,
44 the custodian exercising care and control over any dog shall be liable for any damage
45 caused by such dog to public or private property. The liability of the owner or custodian
46 of the dog shall include consequential damages.

47 (b) If a dog unprovoked, bites, attacks, or attempts to bite or attack, and causes injury to
48 any person who is peacefully conducting himself or herself in any place he or she may
49 lawfully be, the owner or, if no owner can be found, the custodian exercising care and
50 control over such dog is liable for damages to such person for injuries including
51 consequential damages.

52 ~~(b)~~(c) This Code section is to be considered cumulative of other remedies provided by law.
53 There is no intent to do away with or limit other causes of action which might inure to a
54 person harmed by a dog or the owner of any livestock, or poultry, or domestic animal.

55 4-8-5.

56 (a) No person shall perform a cruel act on any dog; nor shall any person harm, maim, or
57 kill any dog, or attempt to do so, except that a person may:

58 (1) Defend his or her person or property, or the person or property of another, from
59 potential injury or damage being caused by a dog; or

60 (2) Kill any dog causing injury or damage to any livestock, or poultry, or domestic
61 animal.

62 (b) The method used for killing the dog shall be designed to be as humane as is possible
63 under the circumstances. A person who humanely kills a dog under the circumstances
64 indicated in subsection (a) of this Code section shall incur no liability for such death.

65 (c) This Code section shall not be construed to limit in any way the authority or duty of
66 any law enforcement officer, dog or rabies control officer, humane society, or veterinarian.

67 4-8-6.

68 No owner or custodian of any dog in heat shall permit the dog to roam or run free beyond
69 the limits of his or her property.

70 4-8-6.1.

71 (a) For the purposes of this Code section, the term 'collar' means any electronic or radio
72 transmitting collar that has the purpose of tracking the location of a dog.

73 (b) No person shall remove a collar from a dog without permission from the dog's owner
74 with the intention of preventing or hindering the owner from locating such dog, and if such
75 dog is lost or killed as a result of the violator's removal of such collar, the violator shall be
76 required to pay the dog's owner restitution in the amount of the actual value of the dog and
77 any associated veterinary expenses.

78 (c) This Code section shall not apply to an owner or lessee of real property who removes
79 a collar from a dog caught on his or her owned or leased property while such dog remains
80 on such property if such owner or lessee gives notice of such action within 24 hours to the
81 county or municipal law enforcement agency having territorial jurisdiction.

82 4-8-6.2.

83 No person shall in any area zoned for residential use engage in the business of training
84 dogs to attack humans or maintain dogs which are being trained to attack humans unless
85 such use is expressly permitted under the applicable zoning regulations in effect for such
86 residential area.

87 4-8-6.3.

88 (a) As used in this Code section, the term 'person convicted of a felony' means a person
 89 who has previously been convicted of:

90 (1) A serious violent felony as defined in Code Section 17-10-6.1;

91 (2) The felony of dogfighting as provided for in Code Section 16-12-37;

92 (3) The felony of aggravated cruelty to animals as provided for in Code Section 16-12-4;

93 or

94 (4) A felony involving trafficking in cocaine, illegal drugs, marijuana,
 95 methamphetamine, or ecstasy as provided for in Code Sections 16-13-31 and 16-13-31.1.

96 (b) From the time of conviction until ten years after completion of sentence, it shall be
 97 unlawful for a person convicted of a felony to knowingly own, possess, have custody of,
 98 or reside in a residence with either:

99 (1) Any dog or puppy over 12 weeks old which has not been spayed or neutered; or

100 (2) Any dog classified as a dangerous or vicious dog under Article 2 of this chapter.

101 4-8-7.

102 Except as provided in Code Sections 16-12-4 and 16-12-37, any person who violates any
 103 provision of this article shall be guilty of a misdemeanor.

104 4-8-8.

105 The judge of any court of this state, including but not limited to a magistrate court or
 106 municipal court, may order the euthanasia of a dog if the court finds, after notice and
 107 opportunity for hearing, that the dog has killed or seriously injured a human being or
 108 presents a danger to human beings not suitable for control under Article 2 of this chapter
 109 and:

110 (1) The owner of the dog or another person having custody or control of the dog is before
 111 the court on a charge of violation of any county or municipal ordinance or any state
 112 criminal law and the charge is in any way related to the dog; or

113 (2) Any local government or any person has filed with the court a civil action requesting
 114 the euthanasia of the dog.

115 4-8-9.

116 Nothing in this chapter shall be construed to limit in any manner the power of any
 117 municipality or county to prohibit animals from running at large, nor shall anything in this
 118 chapter be construed to limit the power of any municipality or county to further control and
 119 regulate dogs.

120 ARTICLE 2

121 4-8-20.

122 This article shall be known and may be cited as the '~~Dangerous Dog Control~~ Responsible
 123 Dog Ownership Law.'

124 4-8-21.

125 (a) As used in this article, the term:

126 (1) 'Bite' means any action of a dog which results in:127 (A) The penetration of skin by teeth; or

128 (B) Seizing with the teeth or jaws so that the person or animal seized has been nipped,
 129 gripped, wounded, or pierced.

130 (2) ~~'Dangerous dog' means any dog that, according to the records of an appropriate~~
 131 ~~authority:~~

132 (A) ~~Inflicts a severe injury on a human being without provocation on public or private~~
 133 ~~property at any time after March 31, 1989; or~~

134 (B) ~~Aggressively bites, attacks, or endangers the safety of humans without provocation~~
 135 ~~after the dog has been classified as a potentially dangerous dog and after the owner has~~
 136 ~~been notified of such classification.~~

137 (A) Has bitten, attacked, inflicted injury to, or endangered the safety of a human being
 138 in a public or private place;

139 (B) Has chased a person or, without provocation, behaved in a manner that caused a
 140 person to reasonably believe that the dog posed an imminent threat of serious injury or
 141 death to that person or a child in that person's charge;

142 (C) While off the owner's property, has seriously injured, killed, or more than once
 143 endangered the safety of a domestic animal; provided, however that this subparagraph
 144 shall not apply where the injury or damage inflicted by the dog was sustained by a
 145 domestic animal while the dog was working or training as a hunting dog, herding dog,
 146 or predator control dog; or

147 (D) Has been similarly classified by an animal control authority or court of another
 148 jurisdiction where the classification was a result of the dog's actions;

149 (2)(3) ~~'Dog control officer'~~ means an individual selected by a local government pursuant
 150 to the provisions of subsection (c) of Code Section 4-8-22 to aid in the administration and
 151 enforcement of the provisions of this article.

152 (3)(4) ~~'Governing authority'~~ means the governing body or official in which the legislative
 153 powers of a local government are vested.

154 (4)(5) ~~'Local government'~~ means any county or municipality of this state.

155 ~~(5)(6)~~ 'Owner' means any natural person or any legal entity, including, but not limited
 156 to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or
 157 having custody or control of a ~~dangerous dog or potentially dangerous dog~~ within this
 158 state. In the case of a dog owned by a minor, the term 'owner' includes the parents or
 159 person in loco parentis with custody of the minor.

160 ~~(6) 'Potentially dangerous dog' means any dog that without provocation bites a human~~
 161 ~~being on public or private property at any time after March 31, 1989.~~

162 (7) 'Proper enclosure' means an enclosure for keeping a dangerous dog or ~~potentially~~
 163 ~~dangerous~~ vicious dog while on the owner's property securely confined indoors or in a
 164 ~~securely enclosed and locked pen, fence, or structure~~ suitable to prevent the entry of
 165 young children and designed to prevent the dog from escaping. The following additional
 166 conditions shall apply in determining whether containment constitutes proper enclosure:

167 (A) Any such pen or structure shall have secure sides and a secure top and bottom. ;
 168 ~~and, if the dog is enclosed within a fence, all sides of the fence shall be of sufficient~~
 169 ~~height and the bottom of the fence shall be constructed or secured in such a manner as~~
 170 ~~to prevent the dog's escape either from over or from under the fence.~~ Any such pen or
 171 structure shall be designed to prevent the dog's escape either from over or from under
 172 the enclosure and shall be designed to prevent a person from extending appendages
 173 inside the enclosure. If the dog is enclosed within a fence, all sides of the fence shall
 174 be of sufficient height and weight adequate to contain the particular dog. The bottom
 175 of the fence shall be securely set into ground or concrete or securely attached to a wire
 176 bottom constructed or secured in such a manner as to prevent the dog's escape from
 177 under the fence. Any fence shall be adequately located to prevent contact with a person
 178 or domestic animal not owned by the owner of the dog and shall not be connected to
 179 common fencing shared by another person. Gates shall be equipped with a device
 180 capable of being locked and shall be locked at all times when the dog is in the pen or
 181 fence. Any such enclosure shall also provide protection from the elements for the dog.;

182 (B) When the dog is kept inside a dwelling or other indoor secured enclosure, the
 183 dwelling or indoor secured enclosure shall have latched doors kept in good repair to
 184 prevent the accidental escape of the dog. If the enclosure is a room within a dwelling,
 185 it cannot have direct ingress from or egress to the outdoors unless it leads directly to an
 186 enclosed pen and the door must be locked. A vicious dog must be muzzled if allowed
 187 to move about freely within the entire dwelling; and

188 (C) A proper enclosure shall not include an invisible or electric fence, tethering, a
 189 garage primarily used to house vehicles, a porch or patio, or any part of a dwelling,
 190 garage, or other structure in which windows are open or in which door or window
 191 screens are the only barriers which prevent the dog from exiting.

192 ~~(8) 'Records of an appropriate authority' means records of any state, county, or municipal~~
 193 ~~law enforcement agency; records of any county or municipal animal control agency;~~
 194 ~~records of any county board of health; records of any federal, state, or local court; or~~
 195 ~~records of a dog control officer provided for in this article.~~

196 ~~(9)(8) 'Severe Serious injury' means any physical injury that results in broken bones or~~
 197 ~~disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury~~
 198 ~~that results in death creates a substantial risk of death; results in death, multiple bites,~~
 199 ~~broken or dislocated bones, disfiguring lacerations requiring multiple sutures, or~~
 200 ~~disfiguring avulsions; requires plastic surgery or hospitalization; or results in protracted~~
 201 ~~impairment of health, which may include transmission of an infection or contagious~~
 202 ~~disease, or impairment of the function of any bodily organ.~~

203 (9) 'Vicious dog' means a dog that:

204 (A) Causes death of a human being or inflicts serious injury on a human being in a
 205 public or private place;

206 (B) Causes serious injury to a human being resulting from reasonable attempts to
 207 escape from the dog's attack or threatened attack;

208 (C) Bites or attacks a human being after the dog has previously bitten, attacked, or
 209 endangered the safety of a human being and the owner has knowledge of the previous
 210 incident;

211 (D) After being classified as a dangerous dog again commits an action warranting
 212 classification as a dangerous dog; or

213 (E) Has been classified as a vicious dog or other similar classification by an animal
 214 control authority or court of another jurisdiction where the classification was a result
 215 of the dog's actions.

216 (b) A dog that inflicts an injury upon a person when the dog is being used by a law
 217 enforcement or military officer to carry out the law enforcement or military officer's
 218 official duties shall not be classified as a dangerous dog or ~~potentially dangerous~~ vicious
 219 dog within the meaning of this article. A dog shall not be classified as a dangerous dog or
 220 a ~~potentially dangerous~~ vicious dog within the meaning of this article if the injury inflicted
 221 by the dog was sustained by a person who, at the time, was committing a willful trespass
 222 or other tort or was willfully tormenting, abusing, or assaulting the dog or ~~had in the past~~
 223 ~~been observed or reported to have tormented, abused, or assaulted the dog or was~~
 224 committing or attempting to commit a crime.

225 4-8-22.

226 (a) Except as otherwise provided by subsection (b) of this Code section, a county's
 227 jurisdiction for the enforcement of this article shall be the unincorporated area of the

228 county and a municipality's jurisdiction for such enforcement shall be the territory within
229 the corporate limits of the municipality.

230 (b) Any county or municipality or any combination of such local governments may
231 contract or enter into agreements with each other for joint dog control services or for the
232 provision of dog control services required by this article and for the separate or joint use
233 of personnel, facilities, and equipment used in the provision of such services.

234 (c) The governing authority of each local government shall designate an individual to carry
235 out the duties of a dog control officer as provided in this article. One individual may carry
236 out the duties of a dog control officer for more than one local government pursuant to a
237 contract or agreement under subsection (b) of this Code section. The governing authority
238 of a local government may assign the additional duties of dog control officer to any officer
239 or employee of the local government who is subject to the jurisdiction of the governing
240 authority. With the consent of the sheriff, the governing authority of a local government
241 may assign the additional duties of dog control officer to a county sheriff or to a sheriff's
242 deputy. With the consent of the county board of health and the rabies control officer, the
243 governing authority of a local government may assign the additional duties of dog control
244 officer to a rabies control officer appointed under Code Section 31-19-7. A person carrying
245 out the duties of a dog control officer shall not be authorized to make arrests unless the
246 person is a law enforcement officer having the powers of arrest.

247 (d) The governing authority of a local government may provide by ordinance or resolution
248 for the creation of an animal control board to hold hearings provided for in Code Section
249 4-8-24. If such an animal control board is created, such board may hear and determine
250 matters provided for in Code Section 4-8-24. An animal control board may be created
251 jointly by two or more local governments under the provisions of subsection (b) of this
252 Code section.

253 (e) In lieu of conducting the hearings required by Code Section 4-8-24 or creating an
254 animal control board for such purpose as provided in subsection (d) of this Code section,
255 the governing authority of each local government is authorized to designate the local board
256 of health within the jurisdiction of such local government to conduct such hearings. Any
257 board so designated is authorized and shall have jurisdiction to conduct such hearings and
258 determine matters provided for in Code Section 4-8-24.

259 4-8-23.

260 (a) Upon receiving a report of a ~~dangerous dog or potentially dangerous dog~~ believed to
 261 be subject to classification within a dog control officer's jurisdiction ~~from a law~~
 262 ~~enforcement agency, animal control agency, rabies control officer, or county board of~~
 263 ~~health~~, the dog control officer shall make such investigations and inquiries with regard to
 264 such report as may be necessary to carry out the provisions of this article. Any local
 265 government shall be authorized but not required to provide by ordinance or resolution for
 266 additional duties of a dog control officer in identifying dangerous dogs or ~~potentially~~
 267 ~~dangerous~~ vicious dogs and their owners to carry out the provisions of this article.

268 (b) Any law enforcement officer or dog control officer shall take control and custody of
 269 a dog reasonably believed to be classified or subject to classification as a dangerous dog
 270 or vicious dog if in the opinion of the law enforcement officer or dog control officer, based
 271 on either reported events or personal observation, the dog poses a safety threat or as
 272 authorized by county or municipal ordinance. A dog that bites a person shall be placed in
 273 quarantine for the proper length of time as determined by the county board of health. A
 274 dog so taken into custody shall be impounded at a shelter or veterinary facility at the
 275 owner's expense until the conclusion of proceedings under Code Section 4-8-24.

276 ~~(b)(c)~~ When a dog control officer ~~classifies~~ determines that a dog ~~as is~~ is a dangerous or
 277 vicious dog or ~~reclassifies a potentially dangerous dog as a dangerous dog~~, the dog control
 278 officer shall ~~notify~~ deliver a notice of proposed classification to the dog's owner in writing
 279 by personal delivery or certified mail or statutory overnight delivery to the owner's last
 280 ~~known address of such classification or reclassification~~. Such notice shall be complete
 281 upon its mailing.

282 4-8-24.

283 ~~(a) As applied to the owners of potentially dangerous dogs, the procedures provided for~~
 284 ~~in this Code section must be carried out as a necessary condition for the enforcement of the~~
 285 ~~provisions of this article against such owners. As applied to the owners of dangerous dogs,~~
 286 ~~the procedures provided for in this Code section shall not be an essential element of any~~
 287 ~~crime provided for in this article.~~

288 ~~(b)(a)~~ When a dog control officer determines that a dog is a dangerous dog or a ~~potentially~~
 289 ~~dangerous~~ vicious dog ~~is classified as such or determines that a dangerous dog is a vicious~~
 290 dog, the dog control officer shall notify the dog's owner of such proposed classification.

291 ~~(c)(b)~~ The notice of proposed classification to the owner shall meet the following
 292 requirements:

293 (1) The notice shall be in writing and mailed by certified mail or statutory overnight
 294 delivery to the owner's last known address;

295 (2) The notice shall include a summary of the dog control officer's findings that formed
 296 the basis for the dog's classification as a dangerous or ~~potentially dangerous~~ vicious dog;

297 (3) The notice shall be dated and shall state that the owner, within 15 days after the date
 298 shown on the notice, has a right to request a hearing on the dog control officer's
 299 determination that the dog is a dangerous dog or ~~potentially dangerous~~ vicious dog;

300 (4) The notice shall state that the hearing, if requested, shall be before the governing
 301 authority, the board of health, or the animal control board of the respective local
 302 government and shall specify the name of the applicable agency which will conduct the
 303 hearing;

304 (5) The notice shall state that if a hearing is not requested, the dog control officer's
 305 determination that the dog is a dangerous dog or a ~~potentially dangerous~~ vicious dog will
 306 become effective for all purposes under this article on a date specified in the notice,
 307 which shall be after the last day on which the owner has a right to request a hearing; and

308 (6) The notice shall include a form to request a hearing before the applicable agency and
 309 shall provide specific instructions on mailing or delivering such request to the agency.

310 ~~(d)~~(c) When the governing authority, animal control board, or local board of health,
 311 whichever is applicable, receives a request for a hearing as provided in subsection ~~(e)~~(b)
 312 of this Code section, it shall schedule such hearing within 30 days after receiving the
 313 request. The governing authority or board shall notify the dog owner in writing by certified
 314 mail or statutory overnight delivery of the date, time, and place of the hearing, and such
 315 notice shall be mailed to the dog owner at least ten days prior to the date of the hearing. At
 316 the hearing, the owner of the dog shall be given the opportunity to testify and present
 317 evidence and in addition thereto the governing authority or board shall receive such other
 318 evidence and hear such other testimony as the governing authority or board may find
 319 reasonably necessary to make a determination either to sustain, modify, or overrule the dog
 320 control officer's classification of the dog.

321 ~~(e)~~(d) Within ten days after the date of the hearing, the governing authority or board shall
 322 notify the dog owner in writing by certified mail or statutory overnight delivery of its
 323 determination on the matter. If such determination is that the dog is a dangerous dog or a
 324 ~~potentially dangerous~~ vicious dog, the notice of classification shall specify the date upon
 325 which that determination is effective.

326 4-8-25.

327 (a) It is unlawful for an owner to have or possess within this state a dangerous dog or
 328 ~~potentially dangerous~~ vicious dog without a certificate of registration issued in accordance
 329 with the provisions of this Code section. Certificates are nontransferable and shall only be
 330 issued to a person 21 years of age or older. No more than one certificate of registration

331 shall be granted per person or owner for a dangerous dog or vicious dog. No more than one
 332 certificate shall be issued per domicile. No certificate shall be issued to:

333 (1) Any person who has been convicted of a felony described in Code Section 4-8-6.3
 334 or has been convicted of two or more offenses under this article; or

335 (2) Any person residing with such a person so convicted.

336 ~~(b) Subject to the additional requirements of subsection (c) of this Code section for~~
 337 ~~dangerous dogs, the~~ The dog control officer of a local government in which an owner
 338 possesses a dangerous dog or ~~potentially dangerous~~ vicious dog shall issue a certificate of
 339 registration to the owner of such dog ~~if the owner presents to the dog control officer or after~~
 340 ~~the dog control officer otherwise finds sufficient evidence of~~ determines that the following
 341 requirements have been complied with and the requirements of subsection (c) of this Code
 342 section will be complied with:

343 ~~(1) A~~ The owner has a proper enclosure to confine the dangerous dog or ~~potentially~~
 344 ~~dangerous~~ vicious dog; and

345 ~~(2)(A) The posting~~ The owner of the premises where the dangerous dog or ~~potentially~~
 346 ~~dangerous~~ vicious dog is located has posted at all entrances to the premises and on the
 347 dog's enclosure with a clearly visible sign and conspicuous signs warning that there is a
 348 dangerous or vicious dog on the property.

349 (B) The Department of Natural Resources shall design a uniform symbol for the
 350 purpose of implementing subparagraph (A) of this paragraph ~~no later than July 1, 1989;~~
 351 and shall provide copies of the design to the governing authority of each county and
 352 municipality of this state. The sign required to be posted by subparagraph (A) of this
 353 paragraph shall conform substantially to the design provided by the Department of
 354 Natural Resources pursuant to this subparagraph;

355 ~~(C) The requirement of subparagraph (A) of this paragraph shall become effective 60~~
 356 ~~days following the day the uniform design specified in subparagraph (B) of this~~
 357 ~~paragraph is distributed to the governing authority of each county and municipality of~~
 358 ~~the state;~~

359 (3) The owner maintains and can provide proof of a minimum limit amount of
 360 \$100,000.00 per occurrence in the case of a dangerous dog or a minimum limit amount
 361 of \$300,000.00 per occurrence in the case of a vicious dog of:

362 ~~(c) In addition to the requirements of subsection (b) of this Code section, the owner of a~~
 363 ~~dangerous dog shall present to the dog control officer evidence of:~~

364 ~~(1)(A) A general or specific liability insurance policy of insurance in the amount of at~~
 365 ~~least \$15,000.00 issued by an insurer authorized to transact business in this state~~
 366 ~~insuring the owner of the dangerous~~ or vicious dog against liability for any ~~personal~~

367 ~~injuries inflicted~~ bodily injury or property damage caused by the dangerous classified
 368 dog; or

369 ~~(2)(B) A surety bond in the amount of \$15,000.00 or more~~ issued by a surety company
 370 authorized to transact business in this state payable to any person or persons injured by
 371 the ~~dangerous~~ classified dog.

372 Failure to maintain the insurance or surety bond shall result in the immediate
 373 impoundment of the classified dog;

374 (4) The owner has provided the dog with permanent identification by having a licensed
 375 veterinarian inject a microchip containing an identification number and capable of being
 376 scanned under the skin between the shoulder blades of the dog; and

377 (5) A licensed veterinarian has reproductively sterilized the dog.

378 (c) In addition to the requirements of subsection (b) of this Code section, the owner of a
 379 dangerous dog may be required by the animal control board to comply with either or both
 380 of the following requirements:

381 (1) Ensure that a clearly visible bright fluorescent yellow collar is worn by the dangerous
 382 dog which collar will be provided by dog control authority at the owner's expense; and

383 (2) Complete an obedience course or dog socialization course at the owner's expense
 384 within 60 days after the release of dog to its owner. The course shall be approved by the
 385 animal control board.

386 (d)(1) The owner of a dangerous dog or ~~potentially dangerous~~ vicious dog shall notify
 387 the dog control officer ~~within 24 hours~~ immediately if the dog is on the loose, is
 388 unconfined, or has attacked a human; or domestic animal and shall notify the dog control
 389 officer within 24 hours if the dog has died; or has been relinquished to a government
 390 facility, sold or donated. If the dog has been sold or donated, the owner shall also provide
 391 the dog control officer with the name, address, and telephone number of the new owner
 392 of the dog.

393 (2) A dangerous dog cannot be transferred, sold, or donated to another person or entity
 394 unless the person who is to receive the dog has applied for and received a certificate of
 395 registration for the dog. A dangerous dog may be relinquished to a governmental facility
 396 to be disposed of by humane euthanasia. The owner of a dangerous dog may dispose of
 397 the dog by humane euthanasia administered by a veterinarian.

398 (3) A vicious dog shall not be transferred, sold, or donated to any other person. A
 399 vicious dog may be relinquished to a governmental facility to be disposed of by humane
 400 euthanasia. The owner of a vicious dog may dispose of the dog by humane euthanasia
 401 administered by a veterinarian.

402 (e) The owner of a dangerous dog or ~~potentially dangerous~~ vicious dog shall notify the dog
 403 control officer if the owner is moving from the dog control officer's jurisdiction. The

404 owner of a dangerous dog or ~~potentially dangerous~~ vicious dog who is a new resident of
 405 the State of Georgia shall register the dog as required in this Code section within 30 days
 406 after becoming a resident. The owner of a dangerous dog or ~~potentially dangerous~~ vicious
 407 dog who moves from one jurisdiction to another within the State of Georgia shall register
 408 the dangerous dog or ~~potentially dangerous~~ vicious dog in the new jurisdiction within ten
 409 days after becoming a resident.

410 (f) Issuance of a certificate of registration or the renewal of a certificate of registration by
 411 a local government does not warrant or guarantee that the requirements specified in
 412 ~~subsections (b) and (c)~~ of this Code section are maintained by the owner of a dangerous
 413 dog or ~~potentially dangerous~~ vicious dog on a continuous basis following the date of the
 414 issuance of the initial certificate of registration or following the date of any annual renewal
 415 of such certificate.

416 (g) A dog control officer is authorized to make whatever inquiry is deemed necessary to
 417 ensure compliance with the provisions of this article. Law enforcement agencies of local
 418 governments and the sheriffs of counties shall cooperate with dog control officers in
 419 enforcing the provisions of this article.

420 (h) A local government may charge an annual fee, in addition to regular dog-licensing
 421 fees, to register ~~dangerous dogs and potentially dangerous dogs~~ as required in this Code
 422 section. Certificates of registration shall be renewed on an annual basis. At the time of the
 423 annual renewal of a certificate of registration, a dog control officer shall require evidence
 424 from the owner or make such investigation as may be necessary to verify that ~~the~~
 425 ~~dangerous dog or potentially dangerous dog is continuing to be confined in a proper~~
 426 ~~enclosure and that the owner is continuing to comply with other provisions of this article.~~
 427 Failure to renew a certificate of registration within ten days of the renewal date shall result
 428 in the impoundment of the classified dog. The owner shall be required to pay for impound
 429 and housing costs in addition to renewal and annual fees a local government may impose.
 430 If the dog is not reclaimed and renewal registration has not occurred within five days after
 431 impoundment, the dog may be humanely euthanized. All fines and all charges for services
 432 performed by law enforcement or dog control officer shall be paid prior to the release of
 433 dog to its owner, or the dog shall be deemed abandoned to the animal control board.

434 4-8-26.

435 (a) It is unlawful for an owner of a dangerous or vicious dog to permit the dog to be
 436 outside;

437 (1) Outside a proper enclosure unless the dog is muzzled and restrained by a substantial
 438 chain or leash not to exceed six feet in length and is under the ~~physical restraint~~
 439 immediate and effective physical control of a physically capable and responsible person

440 adult who can prevent the dog from engaging any other human or domestic animal when
 441 necessary. The muzzle shall be made in a manner that will not cause injury to the dog
 442 or interfere with its vision or respiration but will prevent it from biting any person;

443 (2) Chained, tethered, or tied to any inanimate object outside its proper enclosure while
 444 unattended by its owner or custodian;

445 (3) Unattended in a public place;

446 (4) Unattended with minors; or

447 (5) Transported in any vehicle unless the dog is contained in a closed and locked cage
 448 or crate.

449 (b) No person shall own more than one dangerous or vicious dog.

450 (c) An owner of a dangerous or vicious dog who rents real property where the dog will
 451 reside shall disclose to the landlord that the person owns a dangerous or vicious dog. The
 452 disclosure shall be prior to rental if the dog is then classified. The disclosure shall be
 453 within ten days after classification if the classification is made after rental.

454 (d) No person under the age of 21 shall own a dangerous or vicious dog.

455 (e) No person who has been convicted of any of certain felonies as provided for in Code
 456 Section 4-8-6.3 shall own a dangerous or vicious dog.

457 (f) Any person who has been convicted two or more times of any violation of this article
 458 is prohibited from owning a dog for a period of ten years following the date of final
 459 conviction for the most recent such offense.

460 ~~(b) It is unlawful for the owner of a potentially dangerous dog to permit the dog to be~~
 461 ~~outside a proper enclosure unless the dog is restrained by a substantial chain or leash and~~
 462 ~~is under the restraint of a responsible person.~~

463 4-8-27.

464 (a)(1) A dangerous or vicious dog shall be immediately confiscated by the dog control
 465 officer or by a law enforcement officer or by another person authorized by the dog
 466 control officer in the case of any violation of this article, if the:

467 (2) A refusal to surrender a dog subject to confiscation under paragraph (1) of this
 468 subsection is a violation of this article.

469 ~~(1) Owner of the dog does not secure the liability insurance or bond required by~~
 470 ~~subsection (c) of Code Section 4-8-25;~~

471 ~~(2) Dog is not validly registered as required by Code Section 4-8-25;~~

472 ~~(3) Dog is not maintained in a proper enclosure; or~~

473 ~~(4) Dog is outside a proper enclosure in violation of subsection (a) of Code Section~~
 474 ~~4-8-26.~~

475 ~~(b) A potentially dangerous dog shall be confiscated in the same manner as a dangerous~~
 476 ~~dog if the dog is:~~

477 ~~(1) Not validly registered as required by Code Section 4-8-25;~~

478 ~~(2) Not maintained in a proper enclosure; or~~

479 ~~(3) Outside a proper enclosure in violation of subsection (b) of Code Section 4-8-26.~~

480 ~~(c) Any dog that has been confiscated under the provisions of subsection (a) of this Code~~
 481 ~~section shall be returned to its owner upon the owner's compliance with the provisions of~~
 482 ~~this article and upon the payment of reasonable confiscation costs.~~

483 (b) The owner of any dog that has been confiscated under the provisions of subsection (a)
 484 of this Code section may recover such dog upon payment of reasonable confiscation and
 485 housing costs and proof of compliance with the provisions of this article but the owner's
 486 recovery of the dog shall not stay any criminal prosecution of the owner. Criminal
 487 prosecution likewise shall not be stayed by euthanasia of the dog.

488 (c) In the event the owner has not complied with the provisions of this article within 20
 489 days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and
 490 humane manner and the owner may be required to pay the costs of housing and euthanasia.

491 4-8-28.

492 ~~(a) The owner of a dangerous dog who violates the applicable provisions of Code Section~~
 493 ~~4-8-25 or Code Section 4-8-26 or whose dangerous dog is subject to confiscation under~~
 494 ~~subsection (a) of Code Section 4-8-27 shall be guilty of a misdemeanor of high and~~
 495 ~~aggravated nature. In addition to any confinement that might be imposed for a conviction~~
 496 ~~under this subsection, for the second conviction a fine of not less than \$500.00 shall be~~
 497 ~~imposed and for a third or subsequent conviction a fine of not less than \$750.00 shall be~~
 498 ~~imposed.~~

499 (b)(a) The owner of a potentially dangerous dog who violates the applicable provisions of
 500 Code Section 4-8-25 or Code Section 4-8-26 or whose potentially dangerous dog is subject
 501 to confiscation under subsection (b) of Code Section 4-8-27 shall be guilty of a
 502 misdemeanor. In addition to any confinement that might be imposed for a conviction under
 503 this subsection, for a ~~second~~ first conviction a fine of not less than \$150.00 shall be
 504 imposed and for a ~~third~~ second or subsequent conviction a fine of not less than \$300.00
 505 shall be imposed.

506 (b) The owner of a vicious dog who violates any provision of this article shall be guilty of
 507 a misdemeanor of high and aggravated nature. In addition to any confinement that might
 508 be imposed for a conviction under this subsection, for the first conviction a fine of not less
 509 than \$1,000.00 shall be imposed and for a second or subsequent conviction a fine of not
 510 less than \$5,000.00 shall be imposed.

511 (c) If an owner who has a previous conviction for a violation of this article knowingly and
 512 willfully fails to comply with the provisions of this article, such owner shall be guilty of
 513 a felony if the owner's dangerous or vicious dog attacks or bites a human being under
 514 circumstances constituting another violation of this article. The owner of a dangerous or
 515 vicious dog who is convicted for a violation of this subsection shall be punished by a fine
 516 of not less than ~~\$1,000.00~~ \$2,000.00 nor more than \$5,000.00 or by imprisonment for not
 517 less than one nor more than five years or by both such fine and imprisonment.

518 (d) An owner who knowingly and willfully fails to comply with the provisions of this
 519 article shall be guilty of a felony if the owner's dangerous or vicious dog aggressively bites
 520 or attacks and causes ~~severe~~ serious injury or death of a human being under circumstances
 521 constituting a violation of this article. The owner of a dangerous or vicious dog who is
 522 convicted for a violation of this subsection shall be punished by a fine of not less than
 523 \$5,000.00 nor more than \$10,000.00 or by imprisonment for not less than one nor more
 524 than ten years or by both such fine and imprisonment.

525 (e) In addition to the criminal penalties for violations under subsection (c) or (d) of this
 526 Code section, the dangerous dog involved shall be immediately confiscated by the dog
 527 control officer or by a law enforcement officer or another person authorized by the dog
 528 control officer and placed in quarantine for the proper length of time as determined by the
 529 county board of health, and, thereafter, the dangerous or vicious dog shall be destroyed in
 530 an expeditious and humane manner and the owner may be required to pay the costs of
 531 housing and euthanasia.

532 ~~(f) No owner of a dangerous dog shall be held criminally liable under this article for~~
 533 ~~injuries inflicted by said owner's dog to any human being while on the owner's property.~~

534 (f) Any irregularity in classification proceedings shall not be a defense to any prosecution
 535 under this article so long as the owner of the dog received actual notice of the classification
 536 and did not pursue a civil remedy for the correction of the irregularity.

537 4-8-29.

538 (a) The provisions of this article are in addition to and supplementary of any previously
 539 existing laws of this state and shall not be construed to repeal or supersede such previously
 540 existing laws.

541 (b) It is the intention of this article to establish as state law minimum standards and
 542 requirements for the control of dangerous dogs and ~~potentially dangerous~~ vicious dogs and
 543 to provide for certain state crimes for violations of such minimum standards and
 544 requirements. However, this article shall not supersede or invalidate existing ordinances
 545 or resolutions of local governments or prohibit local governments from adopting and
 546 enforcing ordinances or resolutions which provide for more restrictive control of dogs,

547 including a more restrictive definition of a dangerous dog or ~~potentially dangerous~~ vicious
 548 dog, than the minimum standards and requirements provided for in this article.

549 4-8-30.

550 It is the intent of the General Assembly that the owner of a dangerous dog or ~~potentially~~
 551 ~~dangerous~~ vicious dog shall be solely liable for any injury to or death of a person caused
 552 by such dog. Under no circumstances shall a local government or any employee or official
 553 of a local government which enforces or fails to enforce the provisions of this article be
 554 held liable for any damages to any person who suffers an injury inflicted by a dog that has
 555 been identified as being a dangerous dog or ~~potentially dangerous~~ vicious dog or by a dog
 556 that has been reported to the proper authorities as being a dangerous dog or ~~potentially~~
 557 ~~dangerous~~ vicious dog or by a dog that a local government has failed to identify as a
 558 dangerous dog or ~~potentially dangerous~~ vicious dog or by a dog which has been identified
 559 as being a dangerous dog or ~~potentially dangerous~~ vicious dog but has not been kept or
 560 restrained in the manner described in subsection (b) of Code Section 4-8-25 or by a
 561 dangerous dog or ~~potentially dangerous~~ vicious dog whose owner has not maintained
 562 insurance coverage or a surety bond as required in subsection ~~(c)~~ (b) of Code Section
 563 4-8-25.

564 4-8-31.

565 (a)(1) Any dog classified prior to July 1, 2011, as a potentially dangerous dog under this
 566 article as it existed prior to that date shall on and after that date be classified as a
 567 dangerous dog under this article; provided, however, that except in the event of
 568 reclassification based on new actions of the dog, the owner of such a dog:

569 (A) Shall not be required to make any improvements to a proper enclosure approved
 570 prior to July 1, 2011;

571 (B) Shall be exempt from the requirement for liability insurance or bond otherwise
 572 imposed under this article; and

573 (C) Shall not be required to conform to any other new requirements of this article until
 574 the renewal of his or her annual certificate.

575 (2) Any dog classified prior to July 1, 2011, as a dangerous dog under this article as it
 576 existed prior to that date shall on and after that date be classified as a vicious dog under
 577 this article; provided, however, that except in the event of reclassification based on new
 578 actions of the dog, the owner of such a dog:

579 (A) Shall not be required to make any improvements to a proper enclosure approved
 580 prior to July 1, 2011; and

581 (B) Shall not be required to conform to any other new requirements of this article until
 582 the renewal of his or her annual certificate.

583 (3) Any dog classified prior to July 1, 2011, as a vicious dog under Article 3 of this
 584 chapter as it existed prior to that date shall on and after that date be classified as a vicious
 585 dog under this article.

586 (b) The owner of any dog referred to in subsection (a) of this Code section shall come into
 587 compliance with all current provisions of this article as of the renewal of the owner's
 588 certificate of registration.

589 ~~ARTICLE 3~~

590 ~~4-8-40:~~

591 ~~This article shall be known and may be cited as the 'Mercedes' Law.'~~

592 ~~4-8-41:~~

593 ~~As used in this article, the term:~~

594 ~~(1) 'Dog control officer' means an individual selected by a local government pursuant to~~
 595 ~~the provisions of subsection (c) of Code Section 4-8-22 to aid in the administration and~~
 596 ~~enforcement of the provisions of Article 2 of this title.~~

597 ~~(2) 'Local government' means any county or municipality of this state.~~

598 ~~(3) 'Owner' means any natural person or any legal entity, including, but not limited to,~~
 599 ~~a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or~~
 600 ~~having custody or control of a vicious dog within this state.~~

601 ~~(4) 'Proper enclosure' means an enclosure for keeping a vicious dog while on the owner's~~
 602 ~~property securely confined indoors or in a securely enclosed and locked pen, fence, or~~
 603 ~~structure suitable to prevent the entry of young children and designed to prevent the dog~~
 604 ~~from escaping. Any such pen or structure shall have secure sides and a secure top, and,~~
 605 ~~if the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and~~
 606 ~~the bottom of the fence shall be constructed or secured in such a manner as to prevent the~~
 607 ~~dog's escape either from over or from under the fence. Any such enclosure shall also~~
 608 ~~provide protection from the elements for the dog.~~

609 ~~(5) 'Severe injury' means any physical injury that results in broken bones, disfiguring~~
 610 ~~lacerations requiring multiple sutures or cosmetic surgery, or a physical injury that results~~
 611 ~~in death.~~

612 ~~(6) 'Vicious dog' means any dog that inflicts a severe injury on a human being without~~
 613 ~~provocation after the owner has notice that the dog has previously bitten or attacked or~~
 614 ~~endangered the safety of a human being. Such term shall not include a dog that inflicts~~

615 ~~an injury upon a person when the dog is being used by a law enforcement officer to carry~~
616 ~~out the law enforcement officer's official duties. A dog shall not be a vicious dog if the~~
617 ~~injury inflicted by the dog was sustained by a person who, at the time, was committing~~
618 ~~a willful trespass or other tort or was tormenting, abusing, or assaulting the dog or had~~
619 ~~in the past been observed or reported to have tormented, abused, or assaulted the dog or~~
620 ~~was committing or attempting to commit a crime.~~

621 ~~4-8-42:~~

622 ~~(a) It is unlawful for an owner of a vicious dog to permit the dog to be outside a proper~~
623 ~~enclosure unless the dog is restrained by a leash and is under the physical restraint of a~~
624 ~~responsible person.~~

625 ~~(b) A vicious dog shall be immediately confiscated by the dog control officer or by a law~~
626 ~~enforcement officer or by another person authorized by the dog control officer if the:~~

627 ~~(1) Vicious dog is not maintained in a proper enclosure; or~~

628 ~~(2) Vicious dog is outside a proper enclosure in violation of subsection (a) of this Code~~
629 ~~section.~~

630 ~~(c) Any dog that has been confiscated under the provisions of subsection (b) of this Code~~
631 ~~section shall be returned to its owner upon the owner's compliance with the provisions of~~
632 ~~this article and upon the payment of reasonable confiscation costs. In the event the owner~~
633 ~~has not complied with the provisions of this article within 40 days of the date the dog was~~
634 ~~confiscated, said dog shall be destroyed in an expeditious and humane manner.~~

635 ~~4-8-43:~~

636 ~~(a) The owner of a vicious dog who violates Code Section 4-8-42 shall be guilty of a~~
637 ~~misdemeanor. In addition to any confinement that might be imposed for a conviction under~~
638 ~~this subsection, for the second conviction a fine of not less than \$300.00 shall be imposed~~
639 ~~and for a third or subsequent conviction a fine of not less than \$500.00 shall be imposed.~~

640 ~~(b) If an owner who has a previous conviction for a violation of this article knowingly and~~
641 ~~willfully fails to comply with the provisions of this article, such owner shall be guilty of~~
642 ~~a misdemeanor of high and aggravated nature if the owner's vicious dog attacks, bites,~~
643 ~~causes severe injury, or causes the death of a human being under circumstances~~
644 ~~constituting another violation of this article.~~

645 ~~(c) In addition to the penalties for violations under subsection (b) of this Code section, the~~
646 ~~vicious dog involved shall be immediately confiscated by the dog control officer or by a~~
647 ~~law enforcement officer or another person authorized by the dog control officer and placed~~
648 ~~in quarantine for the proper length of time as determined by the county board of health, and~~
649 ~~thereafter, the vicious dog shall be destroyed in an expeditious and humane manner.~~

650 ~~4-8-44:~~

651 ~~(a) The provisions of this article are in addition to and supplementary of any previously~~
 652 ~~existing laws of this state and shall not be construed to repeal or supersede such previously~~
 653 ~~existing laws.~~

654 ~~(b) It is the intention of this article to establish as state law minimum standards and~~
 655 ~~requirements for the control of vicious dogs and to provide for certain state crimes for~~
 656 ~~violations of such minimum standards and requirements. However, this article shall not~~
 657 ~~supersede or invalidate existing ordinances or resolutions of local governments or prohibit~~
 658 ~~local governments from adopting and enforcing ordinances or resolutions which provide~~
 659 ~~for more restrictive control of dogs, including a more restrictive definition of a vicious dog,~~
 660 ~~than the minimum standards and requirements provided for in this article.~~

661 ~~4-8-45:~~

662 ~~Under no circumstances shall a local government or any employee or official of a local~~
 663 ~~government which enforces or fails to enforce the provisions of this article be held liable~~
 664 ~~for any damages to any person who suffers an injury inflicted by a dog that has been~~
 665 ~~identified as a vicious dog or by a dog that has been reported to the proper authorities as~~
 666 ~~being a vicious dog or by a dog which has been identified as a vicious dog but has not been~~
 667 ~~kept or restrained in the manner described in subsection (a) of Code Section 4-8-42."~~

668

SECTION 2.

669 Code Section 51-2-7 of the Official Code of Georgia Annotated, relating to liability for
 670 injury caused by vicious or dangerous animals, is revised as follows:

671 "51-2-7.

672 (a) A person who owns or keeps a vicious or dangerous animal of any kind and who, by
 673 careless management or by allowing the animal to go at liberty, causes injury to another
 674 person who does not provoke the injury by his or her own act may be liable in damages to
 675 the person so injured. ~~In proving vicious propensity, it shall be sufficient to show that the~~
 676 ~~animal was required to be at heel or on a leash by an ordinance of a city, county, or~~
 677 ~~consolidated government, and the said animal was at the time of the occurrence not at heel~~
 678 ~~or on a leash. The foregoing sentence shall not apply to domesticated fowl including~~
 679 ~~roosters with spurs. The foregoing sentence shall not apply to domesticated livestock.~~

680 (b) This Code section shall not apply to injuries caused by dogs which shall be subject to
 681 subsection (b) of Code Section 4-8-4."

682

SECTION 3.

683 This Act shall become effective on July 1, 2011, and shall apply with respect to proceedings
684 for the classification and registration of dogs which are pending on that date as well as to
685 such proceedings which arise on or after that date.

686

SECTION 4.

687 All laws and parts of laws in conflict with this Act are repealed.