

House Bill 685

By: Representatives Maddox of the 172<sup>nd</sup>, Black of the 174<sup>th</sup>, Atwood of the 179<sup>th</sup>, Shaw of the 176<sup>th</sup>, Taylor of the 173<sup>rd</sup>, and others

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 provide for court orders for the euthanasia of dogs; to provide  
5 public safety and administrative procedures for the identification of dangerous and vicious  
6 dogs; to require a certificate of registration for the possession of a vicious dog and to require  
7 certain safety and indemnity measures as a condition of registration; to require the euthanasia  
8 of dogs that have bitten a human on more than one occasion; to require notice by the owner  
9 of the escape or movement of a dangerous or vicious dog; to provide safety measures for the  
10 movement of such dogs; to define criminal offenses and provide for punishment; to provide  
11 that persons convicted of certain crimes may not own certain dogs; to provide for  
12 reclassification of previously classified dogs; to amend Chapter 2 of Title 51 of the Official  
13 Code of Georgia Annotated, relating to imputable negligence, so as to provide for a  
14 conforming amendment; to state legislative intent; to provide for other related matters; to  
15 provide for an effective date and applicability; to repeal conflicting laws; and for other  
16 purposes.

17 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

18 **SECTION 1.**

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

## 21 "CHAPTER 8

## 22 ARTICLE 1

23 4-8-1.

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

28 4-8-2.

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

34 4-8-3.

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

37 4-8-4.

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

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

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

54 4-8-5.

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

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

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

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

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

66 4-8-6.

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

69 4-8-6.1.

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

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

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

81 4-8-6.2.

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

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

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

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

87 or

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

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

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

94 (2) Any dog classified as a vicious dog under Article 2 of this chapter.

95 4-8-7.

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

98 4-8-8.

99 The judge of any superior court of this state may order the euthanasia of a dog if the court  
 100 finds, after notice and opportunity for hearing, that the dog has killed or seriously injured  
 101 a human being or presents a danger to human beings not suitable for control under Article  
 102 2 of this chapter and:

103 (1) The owner of the dog or another person having custody or control of the dog is before  
 104 the court on a charge of violation of any state criminal law and the charge is in any way  
 105 related to the dog; or

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

108 4-8-9.

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

113 ARTICLE 2

114 4-8-20.

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

117 4-8-21.

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

119 (1) 'Bite' means any action of a dog which results in:

120 (A) The penetration of skin by teeth; or

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

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

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

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

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

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

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

139 ~~(2)~~(3) 'Dog control officer' means an individual selected by a local government pursuant  
 140 to the provisions of subsection (c) of Code Section 4-8-22 to aid in the administration and  
 141 enforcement of the provisions of this article.

142 ~~(3)~~(4) 'Governing authority' means the governing body or official in which the legislative  
 143 powers of a local government are vested.

144 ~~(4)~~(5) 'Local government' means any county or municipality of this state.

145 ~~(5)~~(6) 'Owner' means any natural person or any legal entity, including, but not limited  
 146 to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or  
 147 having custody or control of a ~~dangerous dog or potentially dangerous dog within this~~  
 148 state. In the case of a dog owned by a minor, the term 'owner' includes the parents or  
 149 person in loco parentis with custody of the minor.

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

152 (7) 'Proper enclosure' means an enclosure for keeping a ~~dangerous dog or potentially~~  
 153 ~~dangerous~~ vicious dog while on the owner's property securely confined indoors or in a

154 ~~securely enclosed and locked pen, fence, or structure suitable to prevent the entry of~~  
 155 ~~young children and designed to prevent the dog from escaping. The following additional~~  
 156 ~~conditions shall apply in determining whether containment constitutes proper enclosure:~~

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

172 (B) When the dog is kept inside a dwelling or other indoor secured enclosure, the  
 173 dwelling or indoor secured enclosure shall have latched doors kept in good repair to  
 174 prevent the accidental escape of the dog. If the enclosure is a room within a dwelling,  
 175 it cannot have direct ingress from or egress to the outdoors unless it leads directly to an  
 176 enclosed pen and the door must be locked; and

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

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

185 ~~(9)~~(8) 'Severe Serious injury' means any physical injury that results in broken bones or  
 186 disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury  
 187 that results in death creates a substantial risk of death; results in death, multiple bites,  
 188 broken or dislocated bones, disfiguring lacerations requiring multiple sutures, or  
 189 disfiguring avulsions; requires plastic surgery or hospitalization; or results in protracted

190 impairment of health, including transmission of an infection or contagious disease, or  
 191 impairment of the function of any bodily organ.

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

193 (A) Bites or inflicts serious injury to, or causes the death of, a human being;

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

196 (C) After being classified as a dangerous dog again commits an act warranting  
 197 classification as a dangerous dog; or

198 (D) Has been classified as a vicious dog or other similar classification by an animal  
 199 control authority or court of another jurisdiction where the classification was a result  
 200 of the dog's actions.

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

210 4-8-22.

211 (a) Except as otherwise provided by subsection (b) of this Code section, a county's  
 212 jurisdiction for the enforcement of this article shall be the unincorporated area of the  
 213 county and a municipality's jurisdiction for such enforcement shall be the territory within  
 214 the corporate limits of the municipality.

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

219 (c) The governing authority of each local government shall designate an individual to carry  
 220 out the duties of a dog control officer as provided in this article. One individual may carry  
 221 out the duties of a dog control officer for more than one local government pursuant to a  
 222 contract or agreement under subsection (b) of this Code section. The governing authority  
 223 of a local government may assign the additional duties of dog control officer to any officer  
 224 or employee of the local government who is subject to the jurisdiction of the governing  
 225 authority. With the consent of the sheriff, the governing authority of a local government

226 may assign the additional duties of dog control officer to a county sheriff or to a sheriff's  
 227 deputy. With the consent of the county board of health and the rabies control officer, the  
 228 governing authority of a local government may assign the additional duties of dog control  
 229 officer to a rabies control officer appointed under Code Section 31-19-7. A person carrying  
 230 out the duties of a dog control officer shall not be authorized to make arrests unless the  
 231 person is a law enforcement officer having the powers of arrest.

232 (d) The governing authority of a local government may provide by ordinance or resolution  
 233 for the creation of an animal control board to hold hearings provided for in Code Section  
 234 4-8-24. If such an animal control board is created, such board may hear and determine  
 235 matters provided for in Code Section 4-8-24. An animal control board may be created  
 236 jointly by two or more local governments under the provisions of subsection (b) of this  
 237 Code section.

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

244 4-8-23.

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

254 (b) ~~When a dog control officer classifies a dog as a dangerous dog or reclassifies a~~  
 255 ~~potentially dangerous dog as a dangerous dog, the dog control officer shall notify the dog's~~  
 256 ~~owner in writing by certified mail or statutory overnight delivery to the owner's last known~~  
 257 ~~address of such classification or reclassification. Such notice shall be complete upon its~~  
 258 ~~mailing.~~

259 (b) When a dog control officer determines that a dog is subject to classification as a  
 260 dangerous dog or vicious dog, the officer shall follow the procedures provided in Code  
 261 Section 4-8-24. Any law enforcement officer or dog control officer shall immediately

262 impound a dog reasonably believed to be classified or subject to classification as a  
 263 dangerous dog or vicious dog if:

264 (1) In the opinion of the officer, based on reported events or personal observation, the  
 265 dog poses a safety threat; or

266 (2) A county or municipal ordinance authorizes such action.

267 (c) When a dog control officer determines that a dog has bitten a human, the officer shall  
 268 immediately impound the dog at the owner's expense and follow the procedures provided  
 269 in Code Section 4-8-24. Notwithstanding any classification that may otherwise be  
 270 applicable under this article, a dog that is found, after notice and opportunity for hearing,  
 271 to have bitten a human on more than one occasion shall be euthanized; provided, however,  
 272 that no bite occurring before July 1, 2012, shall count for purposes of this subsection.

273 4-8-24.

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

279 ~~(b)(a) When a dangerous dog or a potentially dangerous dog is classified as such a dog~~  
 280 ~~control officer makes a determination under subsection (b) or (c) of Code Section 4-8-23,~~  
 281 ~~the dog control officer shall immediately notify the dog's owner of such classification.~~

282 ~~(c)(b) The notice to the owner shall meet the following requirements:~~

283 ~~(1) The notice shall be in writing and mailed delivered in person or by certified mail or~~  
 284 ~~statutory overnight delivery to the owner's last known address;~~

285 ~~(2) The notice shall include a summary of the dog control officer's findings that formed~~  
 286 ~~the basis for the dog's classification as a dangerous or potentially dangerous dog~~  
 287 ~~determination, including reference to the relevant provision of Code Section 4-8-23 under~~  
 288 ~~which the officer acted;~~

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

292 ~~(4) The notice shall state that the hearing, if requested, shall be before the governing~~  
 293 ~~authority, the board of health, or the animal control board of the respective local~~  
 294 ~~government and shall specify the name of the applicable agency which will conduct the~~  
 295 ~~hearing;~~

296 ~~(5) The notice shall state that if a hearing is not requested, the dog control officer's~~  
 297 ~~determination that the dog is a dangerous dog or a potentially dangerous dog will become~~

298 effective for all purposes under this article on a date specified in the notice, which shall  
 299 be after the last day on which the owner has a right to request a hearing; and

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

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

313 ~~(e)~~(d) Within ten days after the date of the hearing, the governing authority or board shall  
 314 notify the dog owner in writing by certified mail or statutory overnight delivery of its  
 315 determination on the matter. If such determination is that the dog is a dangerous dog or a  
 316 ~~potentially dangerous~~ vicious dog, the notice of classification shall specify the date upon  
 317 which that determination ~~is~~ shall be effective. If the determination is that the dog is to be  
 318  euthanized pursuant to subsection (c) of Code Section 4-8-23, the notice shall specify the  
 319  date by which the euthanasia shall occur.

320 4-8-25.

321 (a) It is shall be unlawful for an owner to have or possess within this state a ~~dangerous dog~~  
 322 ~~or potentially dangerous~~ vicious dog without a certificate of registration issued in  
 323 accordance with the provisions of this Code section. Certificates are nontransferable and  
 324  shall only be issued to a person 21 years of age or older. No more than one certificate of  
 325  registration shall be granted per owner. No more than one certificate shall be issued per  
 326  domicile. No certificate shall be issued to:

327 (1) Any person who has been convicted of a felony described in Code Section 4-8-6.2  
 328  or has been convicted of two or more offenses under this article; or

329 (2) Any person residing with a person so convicted.

330 (b) ~~Subject to the additional requirements of subsection (c) of this Code section for~~  
 331  ~~dangerous dogs, the~~ The dog control officer of a local government in which an owner  
 332 possesses a ~~dangerous dog or potentially dangerous~~ vicious dog shall issue a certificate of  
 333 registration to the owner of such dog ~~if the owner presents to the dog control officer or after~~

334 the dog control officer ~~otherwise finds sufficient evidence of~~ determines that the following  
 335 requirements have been complied with:

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

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

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

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

352 (3) The owner maintains and can provide proof of a minimum limit amount of  
 353 \$300,000.00 per occurrence of:

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

356 ~~(1)(A) A general or specific liability insurance policy of insurance in the amount of at~~  
 357 ~~least \$15,000.00 issued by an insurer authorized to transact business in this state~~  
 358 ~~insuring the owner of the dangerous vicious dog against liability for any personal~~  
 359 ~~injuries inflicted~~ bodily injury or property damage caused by the ~~dangerous~~ dog; or

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

363 Failure to maintain the insurance or surety bond shall result in the immediate  
 364 impoundment of the dog;

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

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

369 ~~(d) The owner of a dangerous dog or potentially dangerous dog shall notify the dog control~~  
 370 ~~officer within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has~~

371 ~~died, or has been sold or donated. If the dog has been sold or donated, the owner shall also~~  
372 ~~provide the dog control officer with the name, address, and telephone number of the new~~  
373 ~~owner of the dog.~~

374 ~~(e) The owner of a dangerous dog or potentially dangerous dog shall notify the dog control~~  
375 ~~officer if the owner is moving from the dog control officer's jurisdiction. The owner of a~~  
376 ~~dangerous dog or potentially dangerous dog who is a new resident of the State of Georgia~~  
377 ~~shall register the dog as required in this Code section within 30 days after becoming a~~  
378 ~~resident. The owner of a dangerous dog or potentially dangerous dog who moves from one~~  
379 ~~jurisdiction to another within the State of Georgia shall register the dangerous dog or~~  
380 ~~potentially dangerous dog in the new jurisdiction within ten days after becoming a resident.~~

381 ~~(f)(c) Issuance of a certificate of registration or the renewal of a certificate of registration~~  
382 ~~by a local government does not warrant or guarantee that the requirements specified in~~  
383 ~~subsections (b) and (e) of this Code section are maintained by the owner of a dangerous~~  
384 ~~dog or potentially dangerous vicious dog on a continuous basis following the date of the~~  
385 ~~issuance of the initial certificate of registration or following the date of any annual renewal~~  
386 ~~of such certificate.~~

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

391 ~~(h)(d) A local government may charge an annual fee, in addition to regular dog-licensing~~  
392 ~~fees, to register dangerous dogs and potentially dangerous vicious dogs as required in this~~  
393 ~~Code section. Certificates of registration shall be renewed on an annual basis. At the time~~  
394 ~~of the annual renewal of a certificate of registration, a dog control officer shall require~~  
395 ~~evidence from the owner or make such investigation as may be necessary to verify that the~~  
396 ~~dangerous dog or potentially dangerous dog is continuing to be confined in a proper~~  
397 ~~enclosure and that the owner is continuing to comply with other provisions of this article.~~  
398 Failure to renew a certificate of registration within ten days of the renewal date shall result  
399 in the impoundment of the vicious dog. The owner shall be required to pay for impound  
400 and housing costs in addition to renewal and annual fees a local government may impose.  
401 If the dog is not reclaimed and renewal registration has not occurred within five days after  
402 impoundment, the dog may be humanely euthanized. All fines and all charges for services  
403 performed by a law enforcement or dog control officer shall be paid prior to the release of  
404 the dog to its owner, or the dog shall be deemed abandoned to the animal control board.

405 4-8-25.1.

406 The owner of a dangerous dog may be required by the animal control board to comply with  
 407 either or both of the following requirements:

408 (1) Ensure that the dog wears a clearly visible bright fluorescent yellow collar provided  
 409 by the dog control authority at the owner's expense; and

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

413 4-8-25.2.

414 (a) The owner of a dangerous dog or vicious dog shall notify the dog control officer  
 415 immediately if the dog is on the loose or has attacked a human or domestic animal and shall  
 416 notify the dog control officer within 24 hours if the dog has died or has been relinquished  
 417 to a governmental facility.

418 (b) A vicious dog shall not be transferred, sold, or donated to any other person, except that  
 419 a vicious dog may be relinquished to a governmental facility or veterinarian to be disposed  
 420 of by humane euthanasia.

421 (c) The owner of a dangerous dog or vicious dog shall notify the dog control officer if the  
 422 owner is moving from the dog control officer's jurisdiction. The owner of a vicious dog  
 423 who is a new resident of the State of Georgia shall register the dog as required in Code  
 424 Section 4-8-25 within 30 days after becoming a resident. The owner of a vicious dog who  
 425 moves from one jurisdiction to another within the State of Georgia shall register the vicious  
 426 dog in the new jurisdiction within ten days after becoming a resident.

427 4-8-26.

428 (a) It is shall be unlawful for an owner of a ~~dangerous~~ vicious dog to permit the dog to  
 429 be outside:

430 (1) Outside a proper enclosure unless the dog is muzzled and restrained by a substantial  
 431 chain or leash not to exceed six feet in length and is under the ~~physical restraint~~  
 432 immediate and effective physical control of a physically capable and responsible person  
 433 adult who can prevent the dog from engaging any other human or domestic animal when  
 434 necessary. The muzzle shall be made in a manner that will not cause injury to the dog  
 435 or interfere with its vision or respiration but will prevent it from biting any person;

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

438 (3) Unattended in a public place;

439 (4) Unattended with minors; or

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

442 (b) No person shall own more than one vicious dog.

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

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

448 (e) No person who has been convicted of any of the felonies provided for in Code Section  
 449 4-8-6.2 shall own a vicious dog.

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

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

456 4-8-27.

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

460 (2) A refusal to surrender a dog subject to confiscation under paragraph (1) of this  
 461 subsection shall be a violation of this article.

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

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

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

466 ~~(4) Dog is outside a proper enclosure in violation of subsection (a) of Code Section~~  
 467 ~~4-8-26.~~

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

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

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

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

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

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

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

485 4-8-28.

486 ~~(a) The owner of a dangerous dog who violates the applicable provisions of Code Section~~  
 487 ~~4-8-25 or Code Section 4-8-26 or whose dangerous dog is subject to confiscation under~~  
 488 ~~subsection (a) of Code Section 4-8-27 shall be guilty of a misdemeanor of high and~~  
 489 ~~aggravated nature. In addition to any confinement that might be imposed for a conviction~~  
 490 ~~under this subsection, for the second conviction a fine of not less than \$500.00 shall be~~  
 491 ~~imposed and for a third or subsequent conviction a fine of not less than \$750.00 shall be~~  
 492 ~~imposed.~~

493 ~~(b)(a)(1)~~ The owner of a ~~potentially~~ dangerous dog who violates ~~the~~ any applicable  
 494 provisions provision of Code Section 4-8-25 or Code Section 4-8-26 or whose ~~potentially~~  
 495 ~~dangerous dog is subject to confiscation under subsection (b) of Code Section 4-8-27~~  
 496 4-8-25.1 or 4-8-25.2 shall be guilty of a misdemeanor. In addition to any confinement  
 497 that might be imposed for a conviction under this subsection, for ~~a second~~ the first  
 498 conviction a fine of not less than \$150.00 shall be imposed and for a ~~third~~ second or  
 499 subsequent conviction a fine of not less than \$300.00 shall be imposed.

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

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

512 ~~(d)~~(c) An owner who knowingly and willfully fails to comply with the provisions of this  
 513 article shall be guilty of a felony if the owner's dangerous or vicious dog ~~aggressively bites~~  
 514 or attacks and causes ~~severe~~ serious injury or death of a human being under circumstances  
 515 constituting a violation of this article. The owner of a dangerous or vicious dog who is  
 516 convicted for a violation of this subsection shall be punished by a fine of not less than  
 517 \$5,000.00 nor more than \$10,000.00 or by imprisonment for not less than one nor more  
 518 than ten years or by both such fine and imprisonment.

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

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

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

531 4-8-28.1.

532 A dog control officer may make whatever inquiry is deemed necessary to ensure  
 533 compliance with the provisions of this article. Law enforcement agencies of local  
 534 governments and the sheriffs of counties shall cooperate with dog control officers in  
 535 enforcing the provisions of this article.

536 4-8-29.

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

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

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

548 4-8-30.

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

563 4-8-31.

564 (a)(1) Any dog classified prior to July 1, 2012, as a potentially dangerous dog or a  
 565 dangerous dog under this article as it existed prior to that date shall on and after that date  
 566 be classified as a vicious dog under this article; provided, however, that except in the  
 567 event of reclassification based on new actions of the dog, the owner of such a dog:

568 (A) Shall not be required to make any improvements to a proper enclosure approved  
 569 prior to July 1, 2012; and

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

572 (2) Any dog classified prior to July 1, 2012, as a vicious dog under Article 3 of this  
 573 chapter as it existed prior to that date shall on and after that date be classified as a vicious  
 574 dog under this article.

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

578

## ARTICLE 3

579 ~~4-8-40.~~580 ~~This article shall be known and may be cited as the 'Mercedes' Law.'~~581 ~~4-8-41.~~582 ~~As used in this article, the term:~~

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

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

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

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

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

601 ~~(6) 'Vicious dog' means any dog that inflicts a severe injury on a human being without~~  
 602 ~~provocation after the owner has notice that the dog has previously bitten or attacked or~~  
 603 ~~endangered the safety of a human being. Such term shall not include a dog that inflicts~~  
 604 ~~an injury upon a person when the dog is being used by a law enforcement officer to carry~~  
 605 ~~out the law enforcement officer's official duties. A dog shall not be a vicious dog if the~~  
 606 ~~injury inflicted by the dog was sustained by a person who, at the time, was committing~~  
 607 ~~a willful trespass or other tort or was tormenting, abusing, or assaulting the dog or had~~  
 608 ~~in the past been observed or reported to have tormented, abused, or assaulted the dog or~~  
 609 ~~was committing or attempting to commit a crime.~~

610 ~~4-8-42:~~

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

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

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

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

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

624 ~~4-8-43:~~

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

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

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

639 ~~4-8-44:~~

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

643 ~~(b) It is the intention of this article to establish as state law minimum standards and~~  
 644 ~~requirements for the control of vicious dogs and to provide for certain state crimes for~~

645 ~~violations of such minimum standards and requirements. However, this article shall not~~  
 646 ~~supersede or invalidate existing ordinances or resolutions of local governments or prohibit~~  
 647 ~~local governments from adopting and enforcing ordinances or resolutions which provide~~  
 648 ~~for more restrictive control of dogs, including a more restrictive definition of a vicious dog,~~  
 649 ~~than the minimum standards and requirements provided for in this article.~~

650 ~~4-8-45.~~

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

657 **SECTION 2.**

658 Chapter 2 of Title 51 of the Official Code of Georgia Annotated, relating to imputable  
 659 negligence, is amended by revising Code Section 51-2-7, relating to liability for injury  
 660 caused by vicious or dangerous animals, as follows:

661 "51-2-7.

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

670 (b) This Code section shall not apply to injuries caused by dogs subject to subsection (b)  
 671 of Code Section 4-8-4."

672 **SECTION 3.**

673 This Act shall become effective on July 1, 2012, and shall apply to proceedings for the  
 674 classification and registration of dogs which are pending on that date as well as to such  
 675 proceedings which arise on or after that date.

676 **SECTION 4.**

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