

The House Committee on Judiciary Non-civil offers the following substitute to HB 685:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs,  
2 so as to revise provisions relating to dogs and provisions relating to dangerous and vicious  
3 dogs; to provide for legislative intent; to change provisions of liability for damage caused by  
4 dogs; to allow for more stringent local regulation; to revise provisions relating to the lawful  
5 killing of dogs; to provide for a short title; to provide public safety and administrative  
6 procedures for the identification of dangerous and vicious dogs; to require registration for  
7 the possession of certain dogs and to require certain safety and indemnity measures as a  
8 condition of owning a dog classified as vicious or dangerous; to provide procedural  
9 requirements; to provide for euthanasia of dogs in certain instances; to provide for criminal  
10 offenses and punishment; to provide for reclassification of previously classified dogs; to  
11 provide for an effective date and applicability; to repeal conflicting laws; and for other  
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs, is amended  
16 by redesignating Code Section 4-8-1 as Code Section 4-8-1.1 and by adding a new Code  
17 section to read as follows:

18 "4-8-1.

19 It is the intention of this chapter to establish as state law minimum standards for the control  
20 and regulation of dogs and to establish state crimes for violations of such minimum  
21 standards. However, this chapter shall not prohibit local governments from adopting and  
22 enforcing ordinances or resolutions which provide for more restrictive control and  
23 regulation of dogs than the minimum standards provided for in this chapter."

24 **SECTION 2.**

25 Said chapter is further amended by revising Code Section 4-8-4, relating to liability for  
 26 damage caused by dogs, as follows:

27 "4-8-4.

28 (a) The owner or, if no owner can be found, the custodian exercising care and control over  
 29 any dog which ~~goes upon the land of another and~~ while off the owner's or custodian's  
 30 property causes injury, death, or damage directly or indirectly to any livestock, ~~or~~ poultry,  
 31 or pet animal shall be civilly liable to the owner of the livestock, ~~or~~ poultry, or pet animal  
 32 for ~~damages, death, or injury, death, or damage~~ caused by the dog. The owner or, if no  
 33 owner can be found, the custodian exercising care and control over any dog shall be liable  
 34 for any damage caused by such dog to public or private property. The liability of the  
 35 owner or custodian of the dog shall include consequential damages.

36 (b) This Code section is to be considered cumulative of other remedies provided by law.  
 37 There is no intent to ~~do away with~~ eliminate or limit other causes of action which might  
 38 inure to the owner of any livestock, ~~or~~ poultry, or pet animal."

39 **SECTION 3.**

40 Said chapter is further amended by revising subsection (a) of Code Section 4-8-5, relating  
 41 to cruelty to dogs and authorized killing of dogs, as follows:

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

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

46 (2) Kill any dog causing injury or damage to any livestock, ~~or~~ poultry, or pet animal."

47 **SECTION 4.**

48 Said chapter is further amended by repealing in its entirety Article 2, relating to dangerous  
 49 dog control, and enacting a new article to read as follows:

50 **ARTICLE 2**

51 4-8-20.

52 This article shall be known and may be cited as the 'Responsible Dog Ownership Law.'

53 4-8-21.

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

55 (1) 'Classified dog' means any dog that has been classified as either a dangerous dog or  
 56 vicious dog pursuant to this article.

- 57 (2) 'Dangerous dog' means any dog that:  
 58 (A) Causes a substantial puncture of a person's skin by teeth without causing serious  
 59 injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to  
 60 classify a dog as dangerous under this subparagraph;  
 61 (B) Aggressively attacks in a manner that causes a person to reasonably believe that  
 62 the dog posed an imminent threat of serious injury to such person or another person  
 63 although no such injury occurs; provided, however, that the acts of barking, growling,  
 64 or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under  
 65 this subparagraph; or  
 66 (C) While off the owner's property, kills a pet animal; provided, however, that this  
 67 subparagraph shall not apply where the death of such pet animal is caused by a dog that  
 68 is working or training as a hunting dog, herding dog, or predator control dog.
- 69 (3) 'Local government' means any county or municipality of this state.
- 70 (4) 'Owner' means any natural person or any legal entity, including, but not limited to,  
 71 a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or  
 72 having custody or control of a dog. In the case of a dog owned by a minor, the term  
 73 'owner' includes the parents or person in loco parentis with custody of the minor.
- 74 (5) 'Serious injury' means any physical injury that creates a substantial risk of death;  
 75 results in death, broken or dislocated bones, lacerations requiring multiple sutures, or  
 76 disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in  
 77 protracted impairment of health, including transmission of an infection or contagious  
 78 disease, or impairment of the function of any bodily organ.
- 79 (6) 'Vicious dog' means a dog that inflicts serious injury on a person or causes serious  
 80 injury to a person resulting from reasonable attempts to escape from the dog's attack.
- 81 (b) No dog shall be classified as a dangerous dog or vicious dog for actions that occur  
 82 while the dog is being used by a law enforcement or military officer to carry out the law  
 83 enforcement or military officer's official duties. No dog shall be classified as a dangerous  
 84 dog or a vicious dog if the person injured by such dog was a person who, at the time, was  
 85 committing a trespass, was abusing the dog, or was committing or attempting to commit  
 86 an offense under Chapter 5 of Title 16.

87 4-8-22.

- 88 (a) A county's jurisdiction for the enforcement of this article shall be the unincorporated  
 89 area of the county and a municipality's jurisdiction for such enforcement shall be the  
 90 territory within the corporate limits of the municipality.
- 91 (b) The governing authority of each local government shall designate an individual as dog  
 92 control officer to aid in the administration and enforcement of the provisions of this article.

93 A person carrying out the duties of dog control officer shall not be authorized to make  
94 arrests unless the person is a law enforcement officer having the powers of arrest.  
95 (c) Any county or municipality or any combination of such local governments may enter  
96 into agreements with each other for the consolidation of dog control services under this  
97 Code section.

98 4-8-23.

99 (a) For purposes of this Code section, the term:

100 (1) 'Authority' means an animal control board or local board of health, as determined by  
101 the governing authority of a local government.

102 (2) 'Mail' means to send by certified mail or statutory overnight delivery to the recipient's  
103 last known address.

104 (b) Upon receiving a report of a dog believed to be subject to classification as a dangerous  
105 dog or vicious dog within a dog control officer's jurisdiction, the dog control officer shall  
106 make such investigations as necessary to determine whether such dog is subject to  
107 classification as a dangerous dog or vicious dog.

108 (c) When a dog control officer determines that a dog is subject to classification as a  
109 dangerous dog or vicious dog, the dog control officer shall mail a dated notice to the dog's  
110 owner within 72 hours. Such notice shall include a summary of the dog control officer's  
111 determination and shall state that the owner has a right to request a hearing from the  
112 authority on the dog control officer's determination within 15 days after the date shown on  
113 the notice. The notice shall also provide a form for requesting the hearing and shall state  
114 that if a hearing is not requested within the allotted time, the dog control officer's  
115 determination shall become effective for all purposes under this article.

116 (d) When a hearing is requested by a dog owner in accordance with subsection (c) of this  
117 Code section, such hearing shall be scheduled within 30 days after the request is received;  
118 provided, however, that such hearing may be continued by the authority for good cause  
119 shown. At least ten days prior to the hearing, the authority conducting the hearing shall  
120 mail to the dog owner written notice of the date, time, and place of the hearing. At the  
121 hearing, the dog owner shall be given the opportunity to testify and present evidence and  
122 the authority conducting the hearing shall receive other evidence and testimony as may be  
123 reasonably necessary to sustain, modify, or overrule the dog control officer's determination.

124 (e) Within ten days after the hearing, the authority which conducted the hearing shall mail  
125 written notice to the dog owner of its determination on the matter. If such determination  
126 is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify  
127 the date upon which that determination shall be effective. If the determination is that the

128 dog is to be euthanized pursuant to Code Section 4-8-26, the notice shall specify the date  
129 by which the euthanasia shall occur.

130 (f) Judicial review of the authority's final decision may be had in accordance with Code  
131 Section 50-13-19.

132 4-8-24.

133 A law enforcement officer or dog control officer shall immediately impound a dog if the  
134 officer believes the dog poses a threat to the public safety.

135 4-8-25.

136 The judge of any superior court of competent jurisdiction within this state may order the  
137 euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided  
138 by Code Section 4-8-23, that the dog has seriously injured a human or presents a danger  
139 to humans not suitable for control under this article and:

140 (1) The owner or custodian of the dog has been convicted of a violation of any state  
141 criminal law and the crime was related to such dog; or

142 (2) Any local governmental authority has filed with the court a civil action requesting  
143 the euthanasia of the dog.

144 4-8-26.

145 A dog that is found, after notice and opportunity for hearing as provided by Code Section  
146 4-8-23, to have caused a serious injury to a human on more than one occasion shall be  
147 euthanized; provided, however, that no injury occurring before July 1, 2012, shall count  
148 for purposes of this subsection.

149 4-8-27.

150 (a) It shall be unlawful for an owner to have or possess within this state a classified dog  
151 without a certificate of registration issued in accordance with the provisions of this Code  
152 section. Certificates of registration shall be nontransferable and shall only be issued to a  
153 person 18 years of age or older. No more than one certificate of registration shall be issued  
154 per domicile.

155 (b) A certificate of registration for a dangerous dog shall be issued automatically unless  
156 otherwise specified by this Code section.

157 (c) Except as provided in subsections (e) and (f) of this Code section, a certificate of  
158 registration for a vicious dog shall be issued if the dog control officer determines that the  
159 following requirements have been met:

160 (1) The owner has maintained an enclosure designed to securely confine the vicious dog  
 161 on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or  
 162 structure suitable to prevent the vicious dog from leaving such property;

163 (2) Clearly visible warning signs have been posted at all entrances to the premises where  
 164 the dog resides;

165 (3) A microchip containing an identification number and capable of being scanned has  
 166 been injected under the skin between the shoulder blades of the dog; and

167 (4) The owner maintains and can provide proof of general or specific liability insurance  
 168 in the amount of at least \$50,000.00 issued by an insurer authorized to transact business  
 169 in this state insuring the owner of the vicious dog against liability for any bodily injury  
 170 or property damage caused by the dog.

171 (d) No certificate of registration shall be issued to any person who has been convicted of  
 172 two or more violations of this article.

173 (e) No person shall be the owner of more than one vicious dog.

174 (f) No certificate of registration for a vicious dog shall be issued to any person who has  
 175 been convicted of:

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

177 (B) The felony of dogfighting as provided for in Code Section 16-12-37 or the felony  
 178 of aggravated cruelty to animals as provided for in Code Section 16-12-4; or

179 (C) A felony involving trafficking in cocaine, illegal drugs, marijuana,  
 180 methamphetamine, or ecstasy as provided for in Code Sections 16-13-31 and  
 181 16-13-31.1

182 from the time of conviction until two years after completion of his or her sentence, nor to  
 183 any person residing with such person.

184 (g) Certificates of registration shall be renewed on an annual basis. At the time of renewal  
 185 of a certificate of registration for a vicious dog, a dog control officer shall verify that the  
 186 owner is continuing to comply with provisions of this article. Failure to renew a certificate  
 187 of registration within ten days of the renewal date or initial classification date shall  
 188 constitute a violation of this article.

189 4-8-28.

190 (a) The owner of a classified dog shall notify the dog control officer within 24 hours if the  
 191 dog is on the loose or has attacked a human and shall notify the dog control officer within  
 192 24 hours if the dog has died or has been euthanized.

193 (b) A vicious dog shall not be transferred, sold, or donated to any other person unless it is  
 194 relinquished to a governmental facility or veterinarian to be euthanized.

195 (c) The owner of a classified dog who moves from one jurisdiction to another within the  
196 State of Georgia shall register the classified dog in the new jurisdiction within ten days of  
197 becoming a resident and notify the dog control officer of the jurisdiction from which he or  
198 she moved. The owner of a similarly classified dog who moves into this state shall register  
199 the dog as required in Code Section 4-8-27 within 30 days of becoming a resident.

200 4-8-29.

201 (a) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the  
202 owner's property unless:

203 (1) The dog is restrained by a leash not to exceed six feet in length and is under the  
204 immediate physical control of a person capable of preventing the dog from engaging any  
205 other human or animal when necessary; or

206 (2) The dog is contained in a closed and locked cage or crate.

207 (b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:

208 (1) Outside an enclosure designed to securely confine the vicious dog while on the  
209 owner's property or outside a securely locked and enclosed pen, fence, or structure  
210 suitable to prevent the vicious dog from leaving such property unless:

211 (A) The dog is muzzled and restrained by a leash not to exceed six feet in length and  
212 is under the immediate physical control of a person capable of preventing the dog from  
213 engaging any other human or animal when necessary; or

214 (B) The dog is contained in a closed and locked cage or crate; or

215 (2) Unattended with minors.

216 (c) A person who violates subsection (b) of this Code section shall be guilty of a  
217 misdemeanor of high and aggravated nature.

218 (d) An owner with a previous conviction for a violation of this article whose classified dog  
219 causes serious injury to a human being under circumstances constituting another violation  
220 of this article shall be guilty of a felony and upon conviction thereof shall be punished by  
221 imprisonment for not less than one nor more than ten years, a fine of not less than  
222 \$5,000.00 nor more than \$10,000.00, or both. In addition, the classified dog shall be  
223 euthanized at the cost of the owner.

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

227 4-8-30.

228 (a) A dangerous or vicious dog shall be immediately confiscated by any dog control officer  
 229 or by a law enforcement officer in the case of any violation of this article. A refusal to  
 230 surrender a dog subject to confiscation shall be a violation of this article.

231 (b) The owner of any dog that has been confiscated pursuant to this article may recover  
 232 such dog upon payment of reasonable confiscation and housing costs and proof of  
 233 compliance with the provisions of this article. All fines and all charges for services  
 234 performed by a law enforcement or dog control officer shall be paid prior to owner  
 235 recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or  
 236 euthanasia of the dog.

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

240 4-8-31.

241 Under no circumstances shall a local government or any employee or official of a local  
 242 government be held liable for any damages to any person who suffers an injury inflicted  
 243 by a dog as a result of a failure to enforce the provisions of this article.

244 4-8-32.

245 Except as otherwise specified in this article, any person who violates any provision of this  
 246 article shall be guilty of a misdemeanor punishable upon conviction thereof by  
 247 imprisonment not to exceed 12 months and a fine of not more than \$100.00 for the first  
 248 offense and by a fine of not more than \$1,000.00 for each subsequent offense.

249 4-8-33.

250 (a)(1) Any dog classified prior to July 1, 2012, as a potentially dangerous dog in this  
 251 state shall on and after that date be classified as a dangerous dog under this article.

252 (2) Any dog classified prior to July 1, 2012, as a dangerous dog or vicious dog in this  
 253 state shall on and after that date be classified as a vicious dog under this article.

254 (b) The owner of any dog referred to in subsection (a) of this Code section shall come into  
 255 compliance with all current provisions of this article by January 1, 2013."

256 **SECTION 5.**

257 Said chapter is further amended by repealing in its entirety Article 3, relating to vicious dogs.

258

**SECTION 6.**

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

262

**SECTION 7.**

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