

The Senate Judiciary Committee offered 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:

SECTION 1.

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

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SECTION 2.

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

"4-8-4.

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

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

SECTION 3.

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

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

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

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

SECTION 4.

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

"ARTICLE 2

4-8-20.

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

4-8-21.

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

(1) 'Classified dog' means any dog that has been classified as either a dangerous dog or 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) Unless otherwise specified by this Code section, a certificate of registration for a
156 dangerous dog shall be issued if the dog control officer determines that the following
157 requirements have been met:

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

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

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

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

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

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

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

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

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

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

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

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

185 (C) A felony involving trafficking in cocaine, illegal drugs, marijuana,
186 methamphetamine, or ecstasy as provided for in Code Sections 16-13-31 and
187 16-13-31.1

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

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

195 4-8-28.

196 (a) The owner of a classified dog shall notify the dog control officer within 24 hours if the
 197 dog is on the loose or has attacked a human and shall notify the dog control officer within
 198 24 hours if the dog has died or has been euthanized.

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

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

206 4-8-29.

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

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

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

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

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

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

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

221 (2) Unattended with minors.

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

224 (d) An owner with a previous conviction for a violation of this article whose classified dog
 225 causes serious injury to a human being under circumstances constituting another violation
 226 of this article shall be guilty of a felony and upon conviction thereof shall be punished by
 227 imprisonment for not less than one nor more than ten years, a fine of not less than
 228 \$5,000.00 nor more than \$10,000.00, or both. In addition, the classified dog shall be
 229 euthanized at the cost of the owner.

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

233 4-8-30.

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

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

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

246 4-8-31.

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

250 4-8-32.

251 Except as otherwise specified in this article, any person who violates any provision of this
 252 article shall be guilty of a misdemeanor.

253 4-8-33.

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

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

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

260 **SECTION 5.**

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

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SECTION 6.

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

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SECTION 7.

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