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SENATE FILE 2243
BY CORNING

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the regulation of dangerous and potentially
2 dangerous dogs, and providing penalties relating to all dogs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. 2243

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1 Section 1. NEW SECTION. 351B.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Animal control officer" means a person employed,
5 contracted with, or appointed by a county or city for the
6 purpose of aiding in the enforcement of this chapter or any
7 other law or ordinance relating to the classification,
8 registration, control, seizure, or impoundment of animals,
9 including dogs.

10 2. "Dangerous dog" means any of the following:

11 a. A dog which without provocation has inflicted serious
12 injury upon a person.

13 b. A dog which without provocation has killed a domestic
14 animal while not on the property of the dog's owner.

15 3. "Impounded" means confined in a dog pound as defined in
16 section 162.2, subsection 1.

17 4. "Owner" means a person, as defined in section 4.1,
18 subsection 13, which owns, keeps, or harbors a dog.

19 5. "Potentially dangerous dog" means any of the following:

20 a. A dog which is bred or trained to attack persons or
21 domestic animals without provocation.

22 b. A dog which without provocation chases or approaches
23 persons upon public or private property in a menacing fashion
24 or apparent attitude of attack.

25 c. A dog which has a known propensity or disposition to
26 attack without provocation and to cause injury to persons or
27 domestic animals.

28 6. "Proper enclosure" means a securely enclosed and locked
29 pen or structure, suitable to prevent the entry of young
30 children and designed to prevent the escape of animals,
31 including dogs.

32 7. "Provocation" means tormenting, abusing, or assaulting
33 a dog.

34 8. "Serious injury" means a physical injury which results
35 in broken bones or disfiguring lacerations requiring multiple

1 sutures or cosmetic surgery.

2 Sec. 2. NEW SECTION. 351B.2 REGISTRATION REQUIREMENTS.

3 1. An owner of a potentially dangerous dog or dangerous
4 dog shall register the dog with the appropriate animal control
5 officer. The animal control officer shall issue to the owner
6 upon registration a certificate of registration for the dog.
7 The animal control officer may assess annually a fee for
8 registration to defer the costs of administration of this
9 chapter. The animal control officer shall not register a dog
10 unless the owner signs a statement attesting that the owner,
11 on or before the effective date of the registration
12 certificate for which the application is made, will comply
13 with applicable requirements of this chapter. In addition, if
14 the dog is a dangerous dog, the owner must sign a statement
15 that the owner is specifically in compliance with the
16 requirements of section 351B.3. The animal control officer
17 shall file the information for immediate access.

18 2. It shall be unlawful for an owner to keep or harbor a
19 potentially dangerous dog or dangerous dog in this state
20 without a valid certificate of registration issued pursuant to
21 this chapter.

22 Sec. 3. NEW SECTION. 351B.3 DANGEROUS DOGS.

23 The owner of a dangerous dog shall comply with all of the
24 following:

25 1. The owner shall display at least one sign on the
26 owner's premises which is visible upon entering the premises
27 and provides reasonable warning that a dangerous dog is on the
28 premises. The sign shall include a symbol warning children of
29 the presence of the dog.

30 2. The owner shall maintain liability insurance or a
31 surety bond in the amount of at least fifty thousand dollars,
32 covering any personal injury which may be caused by the
33 dangerous dog.

34 3. The owner shall maintain a proper enclosure for the
35 dangerous dog on the property where the dog is kept, and the

1 enclosure shall always be locked when it confines the dog.
2 The owner shall confine the dog in the proper enclosure. It
3 is unlawful for an owner to maintain a dangerous dog on
4 premises which do not have a proper enclosure. It is unlawful
5 for an owner to allow a dangerous dog outside of the proper
6 enclosure unless the dog is securely muzzled and restrained
7 with a strong leash, not exceeding eight feet in length, which
8 is attached to a substantial collar or harness, and unless the
9 dog is under the direct control and supervision of a person
10 competent to restrain the dog. The collar or harness and the
11 muzzle shall be applied in a manner that will not cause injury
12 to the dog or interfere with the dog's vision or respiration,
13 but will prevent the dog from biting any person or domestic
14 animal.

15 4. The owner shall notify the animal control officer or a
16 local law enforcement officer immediately if the dangerous dog
17 is loose, is unconfined, has attacked another animal, or has
18 attacked a person. If the dog has been lost or stolen or has
19 died, the owner shall immediately notify the animal control
20 officer. If the dog has been sold or given away, the owner
21 shall, within twenty-four hours, notify the animal control
22 officer of the name, address, and telephone number of the new
23 owner of the dog.

24 Sec. 4. NEW SECTION. 351B.4 POTENTIALLY DANGEROUS DOGS.

25 The owner of a potentially dangerous dog shall notify the
26 animal control officer or a local law enforcement officer
27 immediately if the dog has attacked another animal or a
28 person. If the dog has been sold or given away, the owner
29 shall, within twenty-four hours, notify the animal control
30 officer of the name, address, and telephone number of the new
31 owner of the dog.

32 Sec. 5. NEW SECTION. 351B.5 EXCEPTIONS.

33 A violation of this chapter does not occur if any of the
34 following apply:

35 1. A dog attacks a person following immediate or prior

1 provocation of the dog by that person.

2 2. A dog attacks a person who is committing or attempting
3 to commit a criminal offense.

4 3. A dog is trained to assist law enforcement officers,
5 and the dog is on duty and under the control of an officer
6 competent to control the actions of the dog.

7 Sec. 6. NEW SECTION. 351B.6 CLASSIFICATION.

8 1. The animal control officer may determine whether a dog
9 has engaged in the behavior of a dangerous or potentially
10 dangerous dog. The determination shall be based upon an
11 investigation that includes observation of the dog's behavior
12 by the animal control officer or another person who has
13 witnessed the dog's behavior and who has signed a written
14 statement attesting to the observed behavior.

15 2. The animal control officer shall give the dog's owner
16 written notice of the dog's classification as a "dangerous
17 dog" or "potentially dangerous dog". The notice shall be
18 given either by personal service or by certified mail and
19 shall set forth the specific behavior of the dog upon which
20 the classification is based. The notice shall set forth, in
21 addition, the restrictions and penalties which might apply
22 pursuant to this chapter and any directions for impoundment
23 applicable to the dog by reason of its classification.

24 3. If the animal control officer finds that a dog is a
25 dangerous or potentially dangerous dog, the owner shall comply
26 with any restrictions specified in the notice pending
27 completion of all appeals. If the owner fails to comply with
28 such restrictions, the owner is guilty of a serious
29 misdemeanor and the animal control officer may impound the
30 dog. The owner of the dog shall be liable for the cost of the
31 dog's impoundment.

32 Sec. 7. NEW SECTION. 351B.7 HEARING AND APPEAL.

33 1. The county board of supervisors of each county and the
34 council of a city shall appoint a person to serve as a hearing
35 officer to hear disputes arising under this chapter. If the

1 owner of a dog denies that the behavior in question occurred,
2 or contends that the classification is otherwise unjustified,
3 the owner may appeal the decision of the animal control
4 officer to the hearing officer. The appeal may be initiated
5 by filing, within ten days after the notice was mailed or
6 personally served, a written request with the animal control
7 officer for a hearing.

8 2. The hearing officer shall hold a public hearing on the
9 appeal of the classification. The owner and any other person
10 having relevant evidence in the matter shall be allowed to
11 testify.

12 3. The hearing officer shall determine whether behavior
13 justifying the classification in question was exhibited by the
14 dog, and, if it was, whether the classification is otherwise
15 unjustified. Upon conclusion of the hearing, the hearing
16 officer shall issue an order containing the hearing officer's
17 determination as to the classification, which shall be a final
18 order.

19 Sec. 8. NEW SECTION. 351B.8 PENALTIES -- DANGEROUS,
20 POTENTIALLY DANGEROUS, AND OTHER DOGS.

21 1. A dangerous dog shall be immediately confiscated by the
22 animal control officer if any of the following apply:

23 a. The dog is not validly registered under this chapter.

24 b. The owner has not assured the animal control officer of
25 the owner's financial responsibility as required under section
26 351B.3, subsection 2.

27 c. The dog is not maintained in a proper enclosure.

28 d. The dog is outside the proper enclosure, unmuzzled, and
29 not under the physical restraint of a competent person.

30 If any of the conditions under paragraphs "a", "b", "c", or
31 "d" are present, the owner is guilty of a serious misdemeanor.

32 2. The owner of any dog that attacks and causes injury to
33 a person, if the dog has not previously been declared
34 potentially dangerous or dangerous, is guilty of a serious
35 misdemeanor.

1 3. The owner of any dog that attacks and causes injury to
2 a person, if the dog has previously been declared potentially
3 dangerous or dangerous, is guilty of an aggravated
4 misdemeanor.

5 4. The owner of any dog that attacks and causes serious
6 injury or death to a person, whether the dog has previously
7 been declared potentially dangerous or dangerous, is guilty of
8 a class "D" felony. In addition, the dog shall be immediately
9 confiscated by the animal control officer, placed in
10 quarantine for the proper length of time, and thereafter
11 euthanatized in an expeditious and humane manner.

12 EXPLANATION

13 The bill creates a new chapter tentatively numbered 351B,
14 which provides for registration and confinement of dangerous
15 and potentially dangerous dogs, and procedures to be followed
16 and penalties to be incurred in the event of violations of the
17 bill's provisions.

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