

SENATE FILE 446
BY COMMITTEE ON GOVERNMENT OVERSIGHT

(SUCCESSOR TO SSB 1195)

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

A BILL FOR

1 An Act relating to the regulation of dogs, and providing for
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SSB 446

1 Section 1. NEW SECTION. 351.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires, "dangerous dog" means a dog which is any of the
4 following:

5 1. Unmuzzled or unleashed.

6 2. Unattended by its owner, keeper, or a competent and
7 responsible person.

8 Sec. 2. NEW SECTION. 351.41A DANGEROUS DOGS.

9 1. This section applies to the unincorporated area within
10 a county. This section does not prevent a county from
11 adopting legislation pursuant to section 331.302 which
12 provides more stringent requirements for controlling dogs.

13 2. A person who owns or keeps a dangerous dog shall not
14 willfully or negligently allow the dangerous dog to run at
15 large without being leashed and accompanied by a competent and
16 responsible attendant. A local board of health or law
17 enforcement official may immediately seize or destroy the
18 dangerous dog if the dangerous dog has previously attacked a
19 human being. The local board of health or law enforcement
20 official shall not be liable for damages for seizing or
21 destroying the dangerous dog.

22 3. A person who owns or keeps a dangerous dog shall not
23 willfully or negligently fail to keep the dangerous dog
24 securely confined within the limits of the person's premises
25 or in a locked enclosure when not under the immediate care and
26 control of a competent and responsible attendant.

27 4. A dangerous dog that is not accompanied by its owner or
28 keeper when entering onto property of another person shall
29 constitute a private nuisance. The owner of the property or
30 the person's agent or servant, may seize or destroy the
31 dangerous dog while it is on the property. The person who
32 seizes or destroys the dog shall not be liable for damages for
33 seizing or destroying the dangerous dog.

34 Sec. 3. Section 351.43, Code 2003, is amended to read as
35 follows:

1 351.43 PENALTY.

2 Any person refusing to comply with the provisions of
3 sections 351.33 to 351.42 or violating any of their
4 provisions, ~~shall be deemed guilty of~~ commits a simple
5 misdemeanor. However, a person who violates section 351.41A
6 for a second or subsequent time commits a serious misdemeanor.

7 EXPLANATION

8 This bill amends Code chapter 351 which provides for the
9 regulation of dangerous dogs, as enforced by a local board of
10 health or law enforcement official. The bill defines a
11 dangerous dog as either unmuzzled or unleashed or unattended
12 by its owner, keeper, or a responsible person. The bill
13 applies to dangerous dogs which are at large in an
14 unincorporated area within a county.

15 The bill provides that a person who owns or keeps a
16 dangerous dog is prohibited from allowing the dog to run at
17 large without being leashed and accompanied by a competent and
18 responsible attendant. The bill provides that a local board
19 of health or law enforcement official may immediately seize or
20 destroy the dangerous dog if the dog has previously attacked a
21 human being.

22 The bill provides that a person who owns or keeps a
23 dangerous dog is prohibited from failing to keep the dog
24 securely confined within the limits of the person's premises
25 or in a locked enclosure.

26 The bill provides that a dangerous dog that is not
27 accompanied by its owner or keeper when entering onto property
28 of another person constitutes a private nuisance. The owner
29 of the property or the person's agent or servant may seize or
30 destroy the dog while it is on the property without liability.

31 In general, a person who violates a provision of Code
32 chapter 351 is guilty of a simple misdemeanor. The bill
33 provides that a person who violates a provision regulating
34 dangerous dogs a second or subsequent time is guilty of a
35 serious misdemeanor. A simple misdemeanor is punishable by

1 confinement for no more than 30 days or a fine of at least \$50
2 but not more than \$500 or by both. A serious misdemeanor is
3 punishable by confinement for no more than one year and a fine
4 of at least \$250 but not more than \$1,500.

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Dvorsky
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Government
Oversight

SSB 1195
Success
SI/HF 446

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL BY
CHAIRPERSON LUNDBY)

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

A BILL FOR

1 An Act relating to the regulation of dogs, and providing for
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 351.1 DEFINITIONS.

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

4 1. "Livestock" means the same as defined in section 717.1.

5 2. "Vicious dog" means a dog that without provocation has
6 killed or seriously injured a person or animal. A dog which
7 belongs to a breed commonly known as a pit bull, rottweiler,
8 or doberman is a vicious dog. However, a vicious dog is not
9 any of the following:

10 a. A police service dog as defined in section 717B.9.

11 b. A dog that has killed or seriously injured a person or
12 animal while that person or animal was committing or
13 attempting to commit a criminal offense, including but not
14 limited to trespass, on the property of a person who is the
15 owner or keeper of the dog.

16 Sec. 2. Section 351.27, Code 2003, is amended to read as
17 follows:

18 351.27 RIGHT TO KILL ~~FAGGED-DOG~~ DOGS.

19 ~~It shall be lawful for any~~ A person to kill may seize or
20 destroy a dog, wearing a collar with a rabies vaccination tag
21 attached, when the dog is caught in the act of worrying,
22 chasing, maiming, or killing any domestic animal or fowl, ~~or~~
23 ~~when such dog is attacking or attempting to bite a person.~~

24 A person may seize or destroy a dog which the person
25 witnesses pursuing or wounding livestock or attacking a human
26 being, regardless of whether the dog is wearing a valid rabies
27 vaccination tag. The person who seizes or destroys the dog
28 shall not be liable for damages for seizing or destroying the
29 dog.

30 Sec. 3. NEW SECTION. 351.41A VICIOUS DOGS.

31 1. A person who owns or keeps a vicious dog shall not
32 willfully or negligently allow the vicious dog to run at large
33 without being leashed and accompanied by a competent and
34 responsible attendant. A local board of health or law
35 enforcement official may immediately seize or destroy the

1 vicious dog if the vicious dog has previously attacked a human
2 being. The local board of health or law enforcement official
3 shall not be liable for damages for seizing or destroying the
4 vicious dog.

5 2. A person who owns or keeps a vicious dog shall not
6 willfully or negligently fail to keep the vicious dog securely
7 confined within the limits of the person's premises or in a
8 locked enclosure when not under the immediate care and control
9 of a competent and responsible attendant. If the person
10 provides the vicious dog with veterinary care, transfers the
11 vicious dog to another person, or complies with the order of a
12 local board of health or law enforcement official, the vicious
13 dog must be securely muzzled and retrained with a chain and
14 must be under the direct control and supervision of the
15 vicious dog's owner or keeper.

16 3. A vicious dog that is not accompanied by its owner or
17 keeper when entering onto property of another person where
18 livestock are confined shall constitute a private nuisance.
19 The owner of the property or the person's agent or servant,
20 may seize or destroy the vicious dog while it is on the
21 property. The person who seizes or destroys the dog shall not
22 be liable for damages for seizing or destroying the vicious
23 dog.

24 Sec. 4. Section 351.43, Code 2003, is amended to read as
25 follows:

26 351.43 PENALTY.

27 Any person refusing to comply with the provisions of
28 sections 351.33 to 351.42 or violating any of their
29 provisions, ~~shall be deemed guilty of~~ commits a simple
30 misdemeanor. However, a person who violates section 351.41A
31 for a second or subsequent time commits a serious misdemeanor.

32 EXPLANATION

33 This bill amends Code chapter 351 which provides for the
34 regulation of dogs, including vicious dogs, as enforced by a
35 local board of health or law enforcement official.

1 The bill amends Code section 351.27 which provides that
2 persons have a right to kill dogs which are caught bothering
3 or injuring domestic animals. The bill provides that a person
4 may seize or destroy a dog which the person witnesses pursuing
5 or wounding livestock or attacking a human being. The bill
6 provides that the person is not liable for damages for seizing
7 or destroying the dog.

8 The bill also places restrictions upon vicious dogs. The
9 bill defines a vicious dog to mean a dog that acts without
10 provocation to kill or seriously injure a person or animal.
11 The bill provides that a dog which belongs to certain breeds
12 are deemed to be vicious. The bill provides that a police
13 service dog or a dog which acts to prevent a criminal offense
14 is not a vicious dog.

15 The bill provides that a person who owns or keeps a vicious
16 dog is prohibited from allowing the vicious dog to run at
17 large without being leashed and accompanied by a competent and
18 responsible attendant. The dog must be accompanied by the
19 owner or keeper when visiting a veterinarian, being
20 transferred, or complying with an order of a local board of
21 health or law enforcement officer. The bill provides that a
22 local board of health or law enforcement official may
23 immediately seize or destroy the vicious dog if the vicious
24 dog has previously attacked a human being.

25 The bill provides that a person who owns or keeps a vicious
26 dog is prohibited from failing to keep the vicious dog
27 securely confined within the limits of the person's premises
28 or in a locked enclosure.

29 The bill provides that a vicious dog that is not
30 accompanied by its owner or keeper when entering onto property
31 of another person where livestock are confined shall
32 constitute a private nuisance. The owner of the property or
33 the person's agent or servant may seize or destroy the vicious
34 dog while it is on the property without liability.

35 In general, a person who violates provisions of Code

1 chapter 351 is guilty of a simple misdemeanor. The bill
2 provides that a person who violates provisions regulating
3 vicious dogs a second or subsequent time is guilty of a
4 serious misdemeanor. A simple misdemeanor is punishable by
5 confinement for no more than 30 days or a fine of at least \$50
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