

Senate File 234 - Introduced

SENATE FILE 234

BY COURNOYER

A BILL FOR

1 An Act relating to the ownership of dogs, and making penalties
2 applicable.

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

1 Section 1. Section 351.25, Code 2023, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **351.25 Dogs as property — right to own dog.**

4 1. A dog shall be deemed property if the dog is any of the
5 following:

6 a. Less than four months of age.

7 b. Owned by a person as evidenced by proof of
8 identification, which may include any of the following:

9 (1) A valid rabies vaccination tag attached to the dog's
10 collar.

11 (2) A tattoo imprinted on the dog's skin that may be
12 visually observed.

13 (3) A device implanted under the dog's skin that stores
14 information in an electronic format.

15 (4) A receipt or contract indicating ownership.

16 (5) A record of an ongoing patient-client relationship with
17 a veterinarian.

18 (6) An otherwise documented history of ownership.

19 2. A county shall not adopt, enforce, or otherwise
20 administer an ordinance, motion, resolution, or amendment
21 that restricts or hinders a person's right to own or keep
22 a dog based on the breed, perceived breed, or physical
23 characteristics of the dog. This subsection does not inhibit
24 the authority of a county to adopt, enforce, or administer an
25 ordinance, motion, resolution, or amendment that applies to all
26 dogs.

27 Sec. 2. Section 351.26, Code 2023, is amended by striking
28 the section and inserting in lieu thereof the following:

29 **351.26 Peace officer authority to kill dog.**

30 It shall be lawful for a peace officer to kill a dog
31 within the peace officer's respective jurisdiction if such
32 jurisdiction has not otherwise provided for the seizure and
33 impoundment of dogs or, if the jurisdiction has provided for
34 the seizure and impoundment of dogs, no temporary housing
35 can reasonably be secured in or near the jurisdiction. This

1 section does not apply to a dog that is under the control of the
2 owner or an agent of the owner.

3 Sec. 3. Section 351.27, Code 2023, is amended to read as
4 follows:

5 **351.27 Right Authority to kill tagged dog.**

6 It shall be lawful for any person to kill a dog, ~~wearing a~~
7 ~~collar with a rabies vaccination tag attached,~~ when the dog is
8 caught in the act of chasing, maiming, or killing any domestic
9 animal or fowl, or when such dog is attacking or attempting to
10 bite a person.

11 Sec. 4. Section 351.33, Code 2023, is amended to read as
12 follows:

13 **351.33 Rabies vaccination.**

14 Every owner of a dog shall obtain a rabies vaccination for
15 such animal. It shall be unlawful for any person to own or have
16 a dog in the person's possession, ~~six~~ four months of age or
17 over, ~~which~~ that has not been vaccinated against rabies. Dogs
18 kept in kennels and not allowed to run at large shall not be
19 subject to these vaccination requirements.

20 Sec. 5. Section 351.37, subsections 1 and 2, Code 2023, are
21 amended to read as follows:

22 1. A dog shall be apprehended and impounded by a local board
23 of health or law enforcement official or designated agent if
24 the dog is running at large and ~~the dog is not wearing a valid~~
25 ~~rabies vaccination tag or a rabies vaccination certificate is~~
26 ~~not presented to the local board of health or law enforcement~~
27 ~~official.~~

28 2. The local board of health or law enforcement official
29 shall provide written notice to the owner if the local board of
30 health or law enforcement official can reasonably determine the
31 owner's name and current address by accessing a tag or other
32 device that is on or a part of the dog. The notice shall be
33 sent within two days after the dog has been impounded. The
34 notice shall provide that if the owner does not redeem the dog
35 within seven days from the date that the notice is delivered,

1 the dog may be humanely destroyed or otherwise disposed of in
2 accordance with law. For purposes of [this section](#), notice is
3 delivered when the local board of health or law enforcement
4 official mails the notice, which may be by regular mail. An
5 owner may redeem a dog by having it immediately vaccinated,
6 if the dog is overdue for vaccination, and paying the cost of
7 impoundment.

8 Sec. 6. Section 351.45, subsection 1, paragraph b, Code
9 2023, is amended to read as follows:

10 b. The rabies vaccination tag is attached to a collar worn
11 by a dog, including as provided in ~~sections~~ section 351.25 and
12 [351.26](#).

13 Sec. 7. Section 364.3, Code 2023, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 18. A city shall not adopt, enforce, or
16 otherwise administer an ordinance, motion, resolution, or
17 amendment that restricts or hinders a person's right to own or
18 keep a dog based on the breed, perceived breed, or physical
19 characteristics of the dog. This subsection does not inhibit
20 the authority of a city to adopt, enforce, or administer an
21 ordinance, motion, resolution, or amendment that applies to all
22 dogs.

23 Sec. 8. REPEAL. Section 351.29, Code 2023, is repealed.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill relates to the ownership of dogs.

28 Under current law, a dog is deemed property if the dog is
29 under six months of age or if the dog is at least six months of
30 age and wearing a collar with a valid rabies vaccination tag
31 attached to the collar. A person is prohibited from owning or
32 having in possession a dog that is at least six months of age if
33 the dog has not been vaccinated against rabies.

34 The bill instead states that a dog is deemed property if
35 the dog is less than four months of age or certain evidence

1 exists to demonstrate ownership. A person is prohibited from
2 owning or having in possession a dog that is at least four
3 months of age if the dog has not been vaccinated for rabies.
4 By operation of law, a person who owns or possesses a dog that
5 is at least four months of age that is not vaccinated against
6 rabies is guilty of a simple misdemeanor. A simple misdemeanor
7 is punishable by confinement for no more than 30 days and a
8 fine of at least \$105 but not more than \$855.

9 Under current law, a person may lawfully kill any dog for
10 which a rabies vaccination tag is required when the dog is not
11 wearing a collar with a rabies vaccination tag attached. A
12 peace officer has a duty to kill such a dog within the peace
13 officer's jurisdiction when the jurisdiction does not otherwise
14 provide for the seizure and impoundment of dogs. If a dog
15 is wearing a collar with a rabies vaccination tag attached,
16 a person may lawfully kill the dog if the dog is chasing,
17 maiming, or killing any domestic animal or fowl, or when the
18 dog is attacking or attempting to bite a person. A dog running
19 at large shall be impounded by a local board of health or law
20 enforcement official if the dog is not wearing a valid rabies
21 vaccination tag or a rabies vaccination certificate is not
22 presented to the local board of health or law enforcement
23 official.

24 The bill instead authorizes only a peace officer to kill a
25 dog within the peace officer's respective jurisdiction if such
26 jurisdiction has not otherwise provided for the seizure and
27 impoundment of dogs or, if the jurisdiction has provided for
28 the seizure and impoundment of dogs, no temporary housing can
29 reasonably be secured in or near the jurisdiction. The bill
30 does not authorize a peace officer to kill a dog that is under
31 the control of the owner or an agent of the owner. However,
32 any person may kill a dog that is chasing, maiming, or killing
33 any domestic animal or fowl, or when the dog is attacking or
34 attempting to bite a person, regardless of whether the dog is
35 wearing a collar with a rabies vaccination tag attached. The

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1 bill authorizes a designated agent of a local board of health
2 or law enforcement official to impound a dog running at large.
3 The bill prohibits a county or city from adopting,
4 enforcing, or otherwise administering an ordinance, motion,
5 resolution, or amendment that restricts or hinders a person's
6 right to own or keep a dog based on the breed, perceived
7 breed, or physical characteristics of the dog, but does not
8 inhibit the authority of a county or city to adopt, enforce, or
9 administer an ordinance, motion, resolution, or amendment that
10 applies to all dogs.