

CHAPTER 376
FORMERLY
HOUSE SUBSTITUTE NO. 1 FOR
HOUSE BILL NO. 297
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DOGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 922(a), Title 9 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline and as follows:

§ 922. Seizure and impoundment of dangerous or potentially dangerous dogs; notification of dog owner; request for hearing.

(a) An animal control constable or dog warden shall seize and impound a dog suspected of being dangerous or potentially dangerous when the warden has reasonable cause to believe that the dog has engaged in one or more of the following:

~~(1) Chased or pursued a person, including but not limited to a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack on 2 separate occasions within a 12-month period;~~

~~(2) (1) Killed or inflicted physical injury or serious physical injury upon a human being; or~~

~~(3) (2) Killed or inflicted serious physical injury upon a domestic animal, provided the domestic animal was on the property of its owner or under the immediate control of its owner; or~~

~~(4) (3) Was subject to, or was used to facilitate, animal cruelty or animal fighting, as alleged in a criminal complaint or charge; or~~

(4) Chased or pursued a person, including but not limited to a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack on 2 separate occasions within a 12-month period.

Section 2. Amend § 923(a), Title 9 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline and as follows:

§ 923. Exceptions.

(a) Notwithstanding § 922 of this title, no dog shall be considered dangerous or potentially dangerous if an injury was sustained by:

(1) A human being who, at the time the injury was sustained, was committing criminal trespass or other tort upon premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime; or

(2) A domestic animal which, at the time the injury was sustained, was teasing, tormenting, abusing or assaulting the dog; or

(3) A domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, and the injury was to a species or type of domestic animal appropriate to the work of the dog.

Section 3. Amend § 925(a), Title 9 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline and as follows:

§ 925. Finding to declare a dog dangerous; duties of owner.

(a) The Panel may declare a dog to be dangerous if it finds by a preponderance of the evidence that the dog:

(1) Killed or inflicted physical injury or serious physical injury upon a human being; or

(2) Killed or inflicted serious physical injury upon a domestic animal, provided the domestic animal was on the property of its owner or under the immediate control of its owner; or

(3) Was subject to, or was used to facilitate animal cruelty or animal fighting as alleged in a criminal complaint or charge.

Section 4. Amend § 926(a), Title 9 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline and as follows:

§ 926. Finding to declare a dog potentially dangerous; duties of owner.

(a) The Panel may declare a dog to be potentially dangerous if it finds by a preponderance of the evidence that the dog:

(1) Attacked or inflicted physical injury upon a human being; or

(2) Attacked or inflicted serious physical injury upon a domestic animal, provided the domestic animal was on the property of its owner or under the immediate control of its owner; or

(3) Chased or pursued a person, including, but not limited to a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack on 2 separate occasions within a 12-month period.

Section 5. Amend § 922(d), Title 9 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline and as follows:

§ 922. Seizure and impoundment of dangerous or potentially dangerous dogs; notification of dog owner; request for hearing.

(d) Within ~~24~~ 20 business days of an animal control agency's receipt of a request for a hearing pursuant to subsection (c) of this section, a hearing shall be held by the Panel. If a hearing is not held within that time frame, the dog shall be released to its owner and the charges made pursuant to subsection (a) of this section shall be dismissed, unless a delay is requested by the owner and approved by the Panel.

Approved July 31, 2014