

CHAPTER 390
FORMERLY
SENATE BILL NO. 211
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRUELTY TO ANIMALS.

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

Section 1. Amend §1325(a)(6), Chapter 5, Title 11 of the Delaware Code by making insertion as shown by underlining as follows:

(6) "Cruelty to animals" includes mistreatment of any animal or neglect of any animal under the care and control of the neglecter, whereby unnecessary or unjustifiable physical pain or suffering is caused. By way of example this includes: Unjustifiable beating of an animal; overworking an animal; tormenting an animal; abandonment of an animal; tethering of dog for 18 hours or more in any 24 hour period, except on land owned or leased by the dog's owner that is not less than ten acres; tethering any dog for any amount of time if the dog is under four months of age or is a nursing mother while the offspring are present, except on land owned or leased by the dog's owner that is not less than ten acres; and failure to feed properly or give proper shelter or veterinary care to an animal.

(13) "Tethering" shall include fastening or restraining with a rope, chain, cord, or similar device creating a fixed radius; tethering does not include walking a dog on a leash, regardless of the dog's age.

Section 2. Amend §1325, Chapter 5, Title 11, of the Delaware Code by making insertions as shown by underlining as follows:

(g) Notwithstanding any provision to the contrary, for a first offense misdemeanor violation of this section relating solely to the tethering of dogs, a warning shall be issued.

(h) Exclusive jurisdiction of offenses under this section relating to the tethering of dogs shall be in the Superior Court.

Approved August 03, 2012