



SPONSOR: Rep. Morrison & Sen. Ennis
Reps. Baumbach, Briggs King, K. Johnson, Mitchell;
Sens. Gay, Sturgeon, Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 378

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ENFORCEMENT OF LAWS FOR PROTECTION AND CONTROL OF ANIMALS AND BARKING DOGS.

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

Section 1. Amend Chapter 30F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3032F. Enforcement of laws for protection and control of animals.

~~The constables of the several counties of this State, and the police force of the City of Wilmington, as well as all other places in the State where police organizations exist, shall, as occasion requires, assist the Office of Animal Welfare and the Department of Agriculture in the enforcement of all laws which are enacted for the protection of animals. All police officers shall, as occasion requires, assist the Office of Animal Welfare and the Department of Agriculture, in the enforcement of all laws which are enacted for the protection and control of animals.~~

§ 3033F. Fines and ~~penalties in certain cases; disposition; penalties.~~

All fines, penalties and forfeitures, imposed and collected in ~~any county~~ of the State under every act relating to or affecting cruelty to animals, animal fighting, dog control, dog barking, or dangerous animals, shall be remitted to the enforcing agency.

§ 3057F. Barking Dogs.

(a) No person may own, possess, harbor or control any dog which causes a noise disturbance by barking, whining, or howling for an extended period. An extended period means continuously for a period of 15 minutes or, intermittently, for 30 minutes or more.

(b) No violation of subsection (a) exists if at the time the dog is making such noise a person is trespassing or threatening to trespass upon private property where the dog is located, or if the dog is being teased or provoked.

(c) A person who violates this subsection shall be assessed as follows:

(1) For a first violation a civil penalty of \$100.

(2) For a second violation a civil penalty of \$200.

(3) For each subsequent violation a civil penalty of \$300.

23 § ~~3057F~~. § 3058F. State dog law management.

24 (c) In addition to animal welfare officers, all police officers may enforce the dog control laws and ordinances of
25 the State or any of its political subdivisions.

26 Section 2. This Act takes effect on January 1, 2024.

SYNOPSIS

This Act clarifies the authority of the Office of Animal Welfare and Department of Agriculture to enforce all state laws relating to protection and control of animals, including dog barking laws. The Act also transfers the authority to impose and collect fines and penalties under this title to the enforcing agency. This Act takes effect on January 1, 2024.