



SPONSOR: Sen. Townsend & Sen. Walsh & Rep. K. Williams
Sen. Wilson; Reps. Griffith, Osienski

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 269

AN ACT TO AMEND TITLE 11 AND TITLE 16 OF THE DELAWARE CODE RELATING TO DOGS.

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

Section 1. Amend § 1327, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 1327. Maintaining a dangerous animal; class E felony; class F felony; class A misdemeanor.

(b) For the purposes of this section, "dangerous animal" means any dog or other animal which:

(1) Had been declared dangerous or potentially dangerous by the Justice of the Peace Court or by voluntary acceptance of the dog owner pursuant to under subchapter V of Chapter 30F of Title 16;

Section 2. Amend § 3048F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3048F. Dogs running at large.

(a) (1) ~~No dog, unless~~ Unless exempted under this section, ~~shall be permitted to~~ a dog may not run at large outside at any ~~time, and~~ time. A dog must be secured by means of a leash that is capable of physically restraining the movement of the dog. A dog is not at large if it is within the real property limits of its owner, or on private property with permission, or within a vehicle being driven or parked.

(3) Allowing a dog to run at large is a ~~violation~~ violation of this section and carries the following penalties: ~~Any owner or custodian who violates this subsection shall be fined not less than \$25 or more than \$50 for a first violation. For each subsequent offense occurring within 12 months of a prior offense, the person shall be fined not less than \$50 or more than \$100. The minimum fine for a subsequent offense is not subject to suspension.~~

a. For a first violation, a civil penalty of \$50.

b. For a subsequent violation within 12 months of a prior violation, a civil penalty of \$200. The minimum civil penalty for a subsequent violation may not be suspended.

(c) ~~Whoever, being the owner, custodian, possessor, or harbinger of any female dog, allows such dog to run or remain at large in this State while in heat shall be fined not less than \$50 nor more than \$100. For each subsequent offense~~

23 occurring within 12 months of a prior offense, the owner, custodian, possessor, or harbinger shall be fined not less than \$100
24 or more than \$200. The minimum fine for a subsequent offense shall not be subject to suspension. Allowing a female dog
25 to run at large while in heat is a violation.

26 (d) Whoever, being the owner, custodian, possessor, or harbinger of any dog that while running at large and without
27 provocation, bites a person, shall be fined not less than \$100 nor more than \$500. For each subsequent offense involving
28 the same dog, such owner, custodian, possessor, or harbinger shall be fined not less than \$750 or more than \$1,500. The
29 minimum fines provided for in this subsection, \$100 for the first offense and \$750 for each subsequent offense, shall not be
30 subject to suspension. person or domestic animal, provided the domestic animal was on the property of its owner or under
31 the immediate control of its owner, will be penalized as follows:

32 (1) For a first violation, a civil penalty of \$500.

33 (2) For a subsequent violation, a civil penalty of \$1,000. The minimum civil penalty for a subsequent violation
34 may not be suspended.

35 (e) ~~Upon conviction in any court of an offense under subsection (d) of this section, the court shall cause a report to~~
36 ~~be forwarded to the Department. Said report shall contain the name of the defendant, the name of the dog, the license~~
37 ~~number of the dog, the date of the offense, and the date of conviction. The Department shall maintain these reports for a~~
38 ~~period of 3 years.~~

39 Section 3. Amend § 3050F, Title 16 of the Delaware Code by making deletions as shown by strike through and
40 insertions as shown by underline as follows:

41 § 3050F. Dogs deemed personal property; theft; penalty.

42 (c) No person shall confine any dog which is not that person's own lawful property without contacting the
43 Department within 48 24 hours of confining such dog and providing the Department with a complete description of the dog,
44 the exact location of the premises on which such dog is to be detained, and the name of the owner or tenant of such
45 property.

46 Section 4. Amend § 3054F, Title 16 of the Delaware Code by making deletions as shown by strike through and
47 insertions as shown by underline as follows:

48 § 3054F. Impounding of ~~dog~~ dogs running at large.

49 Any dog found running at large contrary to any of the provisions of this chapter may be impounded and disposed
50 ~~of under such rules and regulations as the Department adopts. as provided for in Subchapter I of this title and any additional~~
51 rules and regulations the Department may adopt. Any No impounded dog ~~shall not~~ may be disposed of through humane

euthanasia without 5 days' ~~written~~ notification to the owner of the dog, if ownership can be determined, unless earlier disposal through humane euthanasia is recommended by a doctor of veterinary medicine.

Section 5. Amend § 3073F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3073F. Seizure and impoundment of dangerous or potentially dangerous dogs; notification of dog owner; hearing procedures.

(c) The owner of any seized and impounded dog has a right to a hearing to determine whether the dog is dangerous or potentially dangerous.

(2) Unless the dog owner agrees to the proposed conditions, the Department shall file a civil action with the Justice of the Peace Court within ~~5~~ 15 business days after impoundment of the dog and identification of the dog's owner and notice to the dog owner.

Section 6. Amend § 3076F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3076F. Finding to declare a dog dangerous; duties of dog owner.

(b) If the Justice of the Peace Court declares a dog to be dangerous, or a dog's owner voluntarily agrees to the designation of dangerous, it shall be unlawful for any person to keep or maintain such dog unless all of the following occur:

(1) The dog is spayed or neutered.

(2) The dog owner procures and maintains liability insurance in the amount of at least ~~\$100,000~~, \$500,000 covering any damage or injury which may be caused by such dog.

(3) The dog is confined by its owner within a proper ~~enclosure, and whenever~~ enclosure or, when outside of the proper ~~enclosure~~ enclosure, the dog is all of the following:

a. Securely ~~muzzled~~ muzzled, ~~and restrained~~

b. Restrained by a substantial ~~chain or leash, not exceeding 6 feet,~~ leash that is not retractable and does not exceed 6 feet. ~~and~~

c. ~~under~~ Under the physical control of a responsible ~~adult, or caged~~ adult.

(4) The dog owner displays, in a conspicuous manner, a sign on the dog owner's premises warning that a dangerous dog is on the premises. The sign ~~shall~~ must be visible and legible from the public highway or 100 feet, whichever is less.

(5) The dog owner immediately notifies the Department when the dog is loose, unconfined, has attacked a human being or another domestic animal, has been moved to another address, or dies.

~~(6) The owner meets any other condition that the Justice of the Peace Court has deemed reasonable, given the circumstances of the case.~~

(6) The dog is licensed.

(7) The dog is vaccinated for rabies.

(8) The dog is microchipped, and the microchip is registered to the owner.

(9) The dog owner meets any other condition that the Justice of the Peace Court has deemed reasonable, given the circumstances of the case.

Section 7. Amend § 3077F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3077F. Finding to declare a dog potentially dangerous; duties of owner.

(a) The Justice of the Peace Court may declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog has has, on more than one occasion, done any either of the following:

~~(3) Chased or pursued a person, including 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.~~

~~(4) Caused physical injury to a domestic animal on more than one occasion in a 12-month period, provided the domestic animal was on the property of its owner or under the immediate control of its owner.~~

(1) Chased or pursued a person, in an apparent attitude of attack, upon the streets, sidewalks, or any public or private property, other than on the dog owner's property.

(2) Caused physical injury to a domestic animal, if the domestic animal was on the property of its owner or under the immediate control of its owner.

(c) If the Justice of the Peace Court declares a dog to be potentially dangerous, or a dog's owner voluntarily agrees to the designation of potentially dangerous, it shall be unlawful for any person to keep or maintain the dog unless all of the following occur:

~~(1) The dog is spayed or neutered, provided the Justice of the Peace Court ordered the spaying or neutering as part of its decision in declaring the dog to be potentially dangerous.~~ neutered.

~~(2) While on the dog owner's property, the dog is kept indoors or within a securely fenced yard or enclosure from which it cannot escape.~~

~~(3) When off the owner's premises, the dog is all of the following:~~

a. Securely muzzled.

b. ~~restrained~~ Restrained by a substantial ~~chain or leash, not exceeding 6 feet,~~ leash that is not retractable
and does not exceed 6 feet. is

c. ~~under~~ Under the physical control of a responsible adult.

~~(4) The owner meets any other condition that the Justice of the Peace Court has deemed reasonable, given the
circumstances of the case.~~

(4) The dog owner displays, in a conspicuous manner, a sign on the dog owner's premises warning that a
potentially dangerous dog is on the premises. The sign must be visible and legible from the public highway or 100 feet,
whichever is less.

(5) The dog owner immediately notifies the Department when the dog is loose, unconfined, has attacked a
human being or domestic animal, has been moved to another address, or dies.

(6) The dog is licensed.

(7) The dog is vaccinated for rabies.

(8) The dog is microchipped, and the microchip is registered to the owner.

(9) The dog owner meets any other condition that the Justice of the Peace Court has deemed reasonable, given
the circumstances of the case.

~~(d) If there are no additional instances of the behavior described in subsection (a) of this section within a 24-month
period from the date the dog is declared potentially dangerous, the dog shall no longer be deemed a potentially dangerous
dog.~~

Section 8. Amend § 3079F, Title 16 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 3079F. Violations by owners of dangerous or potentially dangerous dogs; penalties.

~~(a) For a violation of § 3076F(b)(4) or (b)(6) or § 3077F(c)(1), (c)(2), (c)(3) or (c)(4) of this title, the owner of the
dangerous dog or potentially dangerous dog shall be fined not less than \$50 nor more than \$100. For a subsequent offense
within 3 years of the original court ruling or acceptance of conditions concerning dangerous or potentially dangerous dogs,
the owner shall be fined not less than \$100 or more than \$200.~~

~~(b) For a violation of § 3076F(b)(1) or (b)(5) of this title, the owner of the dangerous dog shall be fined not less
than \$100 or more than \$250. For a subsequent offense within 3 years of the original court ruling or acceptance of
conditions concerning dangerous or potentially dangerous dogs, the owner shall be fined not less than \$250 or more than
\$500.~~

(e) For a violation of § 3076F(b)(2), (b)(3), or (c) of this title, the owner of the dangerous dog shall be fined not less than \$250 or more than \$1,000. For a subsequent offense within 3 years of the original court ruling or acceptance of conditions concerning dangerous or potentially dangerous dogs, the owner shall be fined not less than \$500 or more than \$2,000.

(a) Possessing a dangerous dog in violation of § 3076F(b) of this title or a potentially dangerous dog in violation of § 3077F(c) of this title is punishable as follows:

(1) For first violation, a civil penalty of \$500.

(2) For a subsequent violation, a civil penalty of \$1,000.

(e) After a dog has been declared potentially dangerous under § 3077F of this title, a dog that inflicts physical injury upon a domestic animal, or a dog that chases or pursues a ~~person~~, person, in an apparent attitude of attack, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than on the dog owner's property, ~~in an apparent attitude of attack~~, the dog shall be seized and impounded by the Department and the Department may file a civil action for a hearing to determine whether the dog is ~~dangerous~~. dangerous or the dog owner may voluntarily accept the designation of dangerous.

(f) Any ~~fine~~ civil penalty imposed for a violation of this subchapter may not be suspended to any amount less than the minimum prescribed ~~fine~~. civil penalty. The Justice of the Peace Court shall remit all ~~finer~~ civil penalties imposed ~~following a conviction~~ for violation of this subchapter to the Department.

Section 9. Amend § 3081F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3081F. Disposition of dogs determined to be dangerous or potentially dangerous or nondangerous; appeal.

(a) If the Justice of the Peace Court determines that a dog is dangerous, the Court may direct the Department to dispose of the dog by euthanasia in accordance with subchapter I of this chapter. If the Justice of the Peace Court determines the dog is dangerous but does not order euthanasia, or the dog owner voluntarily accepts the designation of dangerous, the dog owner shall comply with all conditions that the Court orders under § ~~3076F(b)(6)~~ 3076F(b) of this title, within 30 days from the date of the order. The Justice of the Peace Court may order the dog to remain in the custody of the State until all conditions have been met.

(b) If the Justice of the Peace Court determines that a dog is potentially dangerous, or the dog owner voluntarily accepts the designation of potentially dangerous, the dog owner shall comply with all conditions that the Court orders under § ~~3077F(c)(4)~~ 3077F(c) of this title, within 30 days from the date of the order. The Justice of the Peace Court may order the dog to remain in the custody of the State until all conditions have been met.

SYNOPSIS

This Act simplifies and in some cases increases the civil penalties for violations of laws related to dogs that run at large, dogs that bite a person or domestic animal while running at large, and dogs that are declared dangerous or potentially dangerous. It also expands the requirements for keeping or maintaining a dangerous or potentially dangerous dog to include provisions related to liability insurance, licensing, vaccination, microchipping, and leashing.

The Act also makes changes to Department procedures relating to dogs, including the following:

(1) Removes an unused provision requiring that notification of the impoundment of a running at large dog be made to the dog owner in writing.

(2) Gives the Department of Health and Social Services 15 days, rather than 5 days, to file a civil action after impounding a dog and identifying and informing the dog owner.

(3) Changes from 48 to 24 the number of hours that a person can confine a dog that is not the person's own before contacting the Department to report the dog.

Finally, the Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

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