



SPONSOR: Sen. Walsh & Sen. Hansen & Rep. K. Williams

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 179

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

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

Section 1. Amend § 1325, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1325. Cruelty to animals; class A misdemeanor; class F felony.

(a) For the purpose of this section, the following words and phrases shall include, but not be limited to, the meanings respectively ascribed to them 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~~ example, "cruelty to animals" includes the following: unjustifiable beating of an animal; overworking an animal; tormenting an animal; abandonment of an animal; tethering of any dog for 9 consecutive hours or more in any 24-hour ~~period~~ period, except on any farm; tethering any dog for any amount of time if the dog is under 4 months of age or is a nursing mother while the offspring are present, except on any farm; and failure to feed properly or give proper shelter or veterinary care to an animal.

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 exempted under this section, shall be permitted to run at large outside at any time, and 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.

(2) The following dogs are exempt from the leash requirements and need only be at heel or under reasonable control of a competent person and obedient to the person's ~~command~~ command.

(4) a. Working dogs (i.e. dogs, which are dogs that are not merely pets but that learn and perform tasks to assist their human ~~companions)~~ including but not limited to, companions, and include dogs trained to hunt, herd, assist

law enforcement or search and rescue personnel, or assist persons with disabilities, while actively engaged in performing such ~~functions; and~~ functions.

(2) b. Dogs within a designated “off-leash” dog park or area, or within an area permitted by a governmental ~~entity~~ entity, including a municipality, and attended by the dog’s owner or custodian.

(3) Allowing a dog to run at large is a violation. 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 ~~shall not be~~ is not subject to suspension. ~~For the purposes of this section, the term “dog” shall mean any dog or dog hybrid.~~ Allowing a dog to run at large is a violation.

(b) (1), (2) (2). (3) ~~Under the reasonable control of some person or when engaged in lawful hunting accompanied by the owner or custodian.~~ [Repealed.]

#### SYNOPSIS

This Act clarifies the language enacted by Senate Bill No. 139 of the 150th General Assembly (“SB 139”) regarding when dogs may be permitted to run at large. This Act corrects errors in § 1325 of Title 11 and § 3048F of Title 16, by making revisions to conform the Code so it is consistent with the policy changes enacted by SB 139 and the standards of the Delaware Legislative Drafting Manual.

Specifically, Section 1 replaces punctuation in § 1325 of Title 11 that was accidentally repealed by SB 139. Section 2 makes the following revisions to § 3048F of Title 16:

1. Redesignates the paragraphs in subsection (a) to avoid undesignated sentences, for clarity.
2. Deletes the definition of “dog” from subsection (a) because the definition is identical to the definition of “dog” in § 3041F of Title 16, which provides definitions for the subchapter that includes § 3048F.
3. Repeals paragraph (b)(3) because the exception for dogs that are under the control of someone who is hunting was added to subsection (a) by SB 139. The repeal of paragraph (b)(3) was intended by, but omitted from, SB 139.

Author: Senator Walsh