



SPONSOR: Rep. D.E. Williams & Sen. Peterson  
Reps. Briggs King, Heffernan, J. Johnson, Q. Johnson,  
Potter

HOUSE OF REPRESENTATIVES  
147th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1  
FOR  
HOUSE BILL NO. 297

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:

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

3     § 922 Seizure and impoundment of dangerous or potentially dangerous dogs; notification of dog owner; request for hearing.

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

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

10                    (2) (1) Killed or inflicted physical injury or serious physical injury upon a human being; or

11                    (3) (2) Killed or inflicted serious physical injury upon a domestic animal, provided the domestic animal  
12     was on the property of its owner or under the immediate control of its owner; or

13                    (4) (3) Was subject to, or was used to facilitate, animal cruelty or animal fighting, as alleged in a criminal  
14     complaint or charge; or

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

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

20           § 923 Exceptions.

21           (a) Notwithstanding § 922 of this title, no dog shall be considered dangerous or potentially dangerous if an injury  
22     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.

#### SYNOPSIS

This bill clarifies when an animal control constable or dog warden may impound a dog that is suspected of being dangerous or potentially dangerous. The bill makes clear that any of the paragraphs constitutes grounds.