

2016 -- H 7738

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - REGULATION OF VICIOUS
DOGS

Introduced By: Representative K. Joseph Shekarchi

Date Introduced: February 24, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-13.1-2 of the General Laws in Chapter 4-13.1 entitled
2 "Regulation of Vicious Dogs" is hereby amended to read as follows:

3 **4-13.1-2. Definitions.** -- As used in §§ 4-13.1-1 – 4-13.1-14, the following words and
4 terms shall have the following meanings, unless the context indicates another or different
5 meaning or intent:

6 (1) "Dog officer" means any person defined by the provisions of chapter 19 of this title.

7 (2) "Domestic animals" means animals that, through extremely long association with
8 humans, have been bred to a degree that has resulted in genetic changes affecting the
9 temperament, color, conformation, or other attributes of the species to an extent that makes them
10 unique and distinguishable from wild individuals of their species. Such animals may include, but
11 are not limited to:

12 (i) Domestic dog (*Canis familiaris*);

13 (ii) Domestic cat (*Felis catus*);

14 (iii) Domestic horse (*Equus caballus*);

15 (iv) Domestic ass, burro, and donkey (*Equus asinus*);

16 (v) Domestic cattle (*Bos taurus* and *Bos indicus*);

17 (vi) Domestic sheep (*Ovis aries*);

18 (vii) Domestic goat (*Capra hircus*);

- 1 (viii) Domestic swine (*Sus scrofa domestica*);
2 (ix) Llama (*Lama lama*);
3 (x) Alpaca (*Lama pacos*);
4 (xi) Camels (*Camelus bactrianus* and *Camel dromedarius*);
5 (xii) Domestic races of European rabbit (*Oryctolagus cuniculus*);
6 (xiii) Domestic races of chickens (*Callus gallus*);
7 (xiv) Domestic races of duck and geese (*Anatidae*) morphologically distinguishable from
8 wild birds;
9 (xv) Domestic races of guinea fowl (*Numida meleagris*);
10 (xvi) Domestic races of peafowl (*Pavo cristatus*).

11 (3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or
12 causing an enclosure suitable to prevent the entry of young children, and suitable to confine a
13 vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as
14 tethering of the vicious dog. The enclosure shall be securely enclosed and locked and designed
15 with secure sides, top, and bottom and shall be designed to prevent the animal from escaping
16 from the enclosure.

17 (4) "Impounded" means taken into the custody of the public pound in the city or town
18 where the vicious dog is found.

19 (5) "Person" means a natural person or any legal entity, including but not limited to, a
20 corporation, firm, partnership, or trust.

21 (6) "Vicious dog" means:

22 (i) ~~Any dog that, when unprovoked, in a vicious or terrorizing manner, approaches any~~
23 ~~person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;~~

24 (ii) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to
25 cause injury, or to otherwise endanger the safety of human beings or domestic animals;

26 (iii) Any dog that bites, inflicts injury, assaults, or otherwise attacks a human being or
27 domestic animal without provocation on public or private property; or

28 (iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or
29 any dog trained for dog fighting that is deemed vicious after it has been properly assessed by the
30 Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) pursuant to the
31 provisions of § 4-13.1-5(d).

32 Notwithstanding the definition of a vicious dog in subsection (6), no dog may be declared
33 vicious in accordance with § 4-13.1-11 if an injury or damage is sustained by a person who, at the
34 time that injury or damage was sustained, was committing a trespass or other tort upon premises

1 occupied by the owner or keeper of the dog; or was teasing, tormenting, provoking, abusing, or
2 assaulting the dog; or was committing, or attempting to commit, a crime; or until the society for
3 the prevention of cruelty to animals has an opportunity to assess the dog pursuant to the
4 provisions of § 4-13.1-5(d).

5 (iv) No dog may be declared vicious if an injury or damage was sustained by a domestic
6 animal which, at the time that injury or damage was sustained, was teasing, tormenting,
7 provoking, abusing, or assaulting the dog. No dog may be declared vicious if the dog was
8 protecting or defending a human being within the immediate vicinity of the dog from an
9 unjustified attack or assault.

10 (7) "Guardian" shall mean a person(s) having the same rights and responsibilities of an
11 owner and both terms shall be used interchangeably. A guardian shall also mean a person who
12 possesses; has title to or an interest in, harbors; or has control, custody, or possession of an animal
13 and who is responsible for an animal's safety and well-being.

14 (8) "Muzzle" means a device that shall not cause injury to the dog or interfere with its
15 vision or respiration but shall prevent the dog from biting a person or animal.

16 (9) "Serious injury" means any physical injury consisting of a broken bone(s) or
17 permanently disfiguring lacerations requiring stitches, multiple stitches or sutures, or cosmetic
18 surgery.

19 (10) "Enclosed area" means an area surrounded by a fence that will prevent the dog from
20 leaving the owner's property.

21 (11) "Tie-out" means a cable, rope, light-weight chain, or other means attached to the dog
22 that will prevent the dog from leaving the owner's property.

23 (12) "Leash" means a rope, cable, nylon strap, or other means attached to the dog that
24 will provide the owner with control of the dog.

25 SECTION 2. Section 4-13.1-4 of the General Laws in Chapter 4-13.1 entitled
26 "Regulation of Vicious Dogs" is hereby repealed.

27 ~~4-13.1-4. Control of vicious dogs. (a) All dogs that have been declared vicious shall~~
28 ~~be confined in an enclosure. It is unlawful for any owner or keeper to maintain a dog that has~~
29 ~~been declared vicious upon any premises which does not have a locked enclosure.~~

30 ~~(b) It is unlawful for any owner or keeper to allow any vicious dog to be outside of the~~
31 ~~dwelling of the owner or keeper or outside of the enclosure unless it is necessary for the owner or~~
32 ~~keeper to obtain veterinary care for the vicious dog or to comply with commands or directions of~~
33 ~~the dog officer with respect to the vicious dog, or to comply with the provisions of § 4-13.1-~~
34 ~~3(a)(1) or (a)(2). In this event, the vicious dog shall be securely muzzled and restrained with a~~

1 ~~leash or chain having a minimum tensile strength of three hundred (300) pounds and not~~
2 ~~exceeding three feet (3') in length, and shall be under the direct control and supervision of the~~
3 ~~owner or keeper of the vicious dog.~~

4 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would repeal the law on the control of vicious dogs. In addition, it would amend
- 2 the definition of vicious dog.
- 3 This act would take effect upon passage.

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