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CHAPTER 374

FORMERLY

SENATE BILL NO. 245

AS AMENDED BY

SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 3, 9, AND 11 OF THE DELAWARE CODE RELATING TO DANGEROUS DOGS AND ANIMAL FIGHTING AND BAITING.

WHEREAS, Dogs have shared their lives with humans for thousands of years and proven to be beneficial partners; and

WHEREAS, an individual dog's potential for adoption cannot be determined by a set of circumstances beyond their control; and

WHEREAS, current statute deems all dogs involved in animal fighting or cruelty cases as automatically dangerous or potentially dangerous and able to be impounded; and

WHEREAS, breeding mothers and puppies can be seized when law enforcement seizes animals from cruelty cases, an animal fighting operation, or criminal activity. and

WHEREAS, current statute does not protect innocent victims of animal fighting or criminal activity by allowing for trained personnel to evaluate animals for potential adoption.

NOW THEREFORE:

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

Section 1. Amend Chapter 79, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7905 Impoundment.

(c) Upon a determination that probable cause exists to believe that the animal cruelty or animal fighting laws have been violated by the owner or custodian of any impounded animal, the State and/or the appropriate Society for the Prevention of Cruelty to Animals shall have the right to recover the costs of holding and caring for any animal impounded under this section from the owner or custodian of the animal. Upon impoundment ~~Each month~~, the State or appropriate Society for the Prevention of Cruelty to Animals shall submit a detailed billing to the owner or custodian of the animal, listing the ~~accrued~~ monthly costs of boarding, evaluation, veterinary and other costs ~~incurred~~ associated with care. Notwithstanding any provision of this section or any other law to the contrary, failure of the animal's owner or custodian to pay these costs within

30 days of the receipt of a detailed monthly billing will result in ownership of the animal reverting to the State or to the appropriate Society for the Prevention of Cruelty to Animals. The provisions of this paragraph shall be applicable notwithstanding the final disposition of the criminal charges.

Section 2. Amend Chapter 9, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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

(a) An animal control constable or dog warden shall seize and impound a dog suspected of being dangerous or potentially dangerous when the warden has reasonable cause to believe that the dog:

~~(4) Was subject to, or was used to facilitate, animal cruelty or animal fighting, as alleged in a criminal complaint or charge.~~

Section 3. Amend Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1326 Animals; fighting and baiting prohibited; class E felony.

(d) All animals, equipment, devices, and money involved in a violation of this section must be forfeited to the State. ~~Animals so forfeited must be disposed of in a humane manner.~~ Animals so forfeited must be evaluated by a duly incorporated society for the prevention of cruelty to animals, an authorized state agency, or a duly incorporated humane society in charge of animals for eligibility for adoption. After evaluation, animals may also be transferred to a rescue organization. Animals forfeited may be adopted to individuals other than the convicted person or person dwelling in the same household, who conspired, aided or abetted in the unlawful act which was the basis of the conviction, or who knew or should have known of the unlawful act, or humanely disposed of according to the provisions of Chapter 80, Title 3.

Approved July 31, 2014

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