

CHAPTER 160
2015 -- H 5585 SUBSTITUTE A
Enacted 07/09/2015

A N A C T

RELATING TO ANIMAL AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS

Introduced By: Representatives Shekarchi, McKiernan, Regunberg, Maldonado, and

Date Introduced: February 25, 2015

It is enacted by the General Assembly as follows:

SECTION 1. Sections 4-13.1-2 and 4-13.1-5 of the General Laws in Chapter 4-13.1 entitled "Regulation of Vicious Dogs" are hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(viii) Domestic swine (*Sus scrofa domestica*);

(ix) Llama (*Lama lama*);

(x) Alpaca (*Lama pacos*);

(xi) Camels (*Camelus bactrianus* and *Camelus dromedarius*);

(xii) Domestic races of European rabbit (*Oryctolagus cuniculus*);

(xiii) Domestic races of chickens (*Gallus gallus*);

(xiv) Domestic races of duck and geese (*Anatidae*) morphologically distinguishable from wild birds;

(xv) Domestic races of guinea fowl (*Numida meleagris*);

(xvi) Domestic races of peafowl (*Pavo scristatus*).

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

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

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

(6) "Vicious dog" means:

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

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

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

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

Notwithstanding the definition of a vicious dog in subsection (6), no dog may be declared vicious in accordance with § 4-13.1-11 if an injury or damage is sustained by a person who, at the time that injury or damage was sustained, was committing a trespass or other tort upon premises occupied by the owner or keeper of the ~~dog, dog;~~ or was teasing, tormenting, provoking, ~~abusing abusing,~~ or assaulting the ~~dog dog;~~ or was ~~committing committing,~~ or attempting to ~~commit commit,~~ a ~~crime crime;~~ or until the society for the prevention of cruelty to animals has an opportunity to assess the dog pursuant to the provisions of § 4-13.1-5(d).

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

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

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

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

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

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

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

4-13.1-5. Harboring dogs for dog fighting -- Training dogs to attack humans -- Selling, breeding, or buying dogs. -- (a) No person shall own or harbor any dog for the purpose of dog ~~fighting, fighting;~~ or train, torment, badger, bait, or use any dog for the purpose of causing or encouraging the dog to unprovoked attacks upon human beings or domestic animals.

(b) No person shall possess with intent to sell, or offer for sale, breed, or ~~buy buy,~~ or attempt to ~~buy buy,~~ within the state any vicious dog.

(c) Any dog described in subsection (a) or (b) of this section lawfully seized by a sheriff, deputy sheriff, constable, police officer, agent or officer of the Rhode Island Society for the Prevention of Cruelty to Animals shall be placed in the care of the RISPCA pursuant to the provisions of § 4-1-22 - § 4-1-31.

(d) The RISPCA shall utilize a timely process to determine the disposition of the dog and provide for prompt transfer to an appropriate rescue organization or adoptive home with humane euthanization occurring only if the dog's medical and/or behavioral condition warrants such action or it is determined, after reasonable time and effort have been expended, that no appropriate placement for the dog exists.

SECTION 2. This act shall take effect upon passage.