

## AMENDMENTS TO SENATE BILL NO. 816

Sponsor: SENATOR DINNIMAN

Printer's No. 1072

1 Amend Bill, page 2, lines 14 through 16, by striking out  
2 "Two" in line 14, all of line 15 and "a muzzled dog" in line 16  
3 and inserting

4 One or more muzzled dog orders under Article V-A

5 Amend Bill, page 2, lines 28 through 30; pages 3 through 7,  
6 lines 1 through 30; by striking out all of said lines on said  
7 pages and inserting

8 (a) Persons who may file civil complaint.--The following may  
9 file a complaint before a magisterial district judge requesting  
10 that the owner or keeper of the accused dog be ordered to muzzle  
11 the dog according to the provisions of this section:

12 (1) A person who has been attacked by a dog on public or  
13 private property.

14 (2) Anyone on behalf of a person who has been attacked  
15 by a dog on public or private property.

16 (3) A person whose dog or cat has been killed or injured  
17 without provocation.

18 (4) A State dog warden.

19 (5) A local police officer.

20 (b) Persons subject to muzzled dog order.--A person shall be  
21 subject to a muzzled dog order if a magisterial district judge  
22 finds by a preponderance of the evidence that the dog has killed  
23 or inflicted severe injury on:

24 (1) a human being without provocation on public or  
25 private property; or

26 (2) a dog or cat without provocation while off the  
27 owner's or keeper's property.

28 (c) Contents of muzzled dog order.--A muzzled dog order  
29 issued against the owner or keeper of the muzzled dog shall  
30 require the muzzled dog to remain muzzled, specify the type of  
31 muzzle and impose signage requirements on the property of the  
32 owner or keeper.

33 (d) Report of muzzled dog order.--The magisterial district  
34 judge shall make a report of a muzzled dog under subsection (b)

1 to the Bureau of Dog Law Enforcement that identifies the owner  
2 or keeper and the dog or dogs and provides other information as  
3 the bureau might reasonably require.

4 Section 502-B. Requirements.

5 (a) Compliance requirements.--The owner or keeper of a dog  
6 who has been issued a muzzled dog order under section 501-B  
7 shall do all of the following:

8 (1) Present sufficient evidence of a proper enclosure to  
9 confine the muzzled dog.

10 (2) When individuals who are not members of the owner's  
11 or keeper's household are present as invitees on the premises  
12 or in the dwelling of the owner or keeper of the muzzled dog,  
13 either:

14 (i) confine the muzzled dog in the proper enclosure;  
15 or

16 (ii) muzzle and keep the muzzled dog under the  
17 physical restraint of a responsible person.

18 (3) While the muzzled dog is on public property or on  
19 private property that is not the owner's or keeper's  
20 property, muzzle and keep the muzzled dog under the physical  
21 restraint of a responsible person.

22 (4) Post the premises with a clearly visible warning  
23 sign that there is a muzzled dog on the property.

24 (5) Conspicuously display a sign with a warning symbol  
25 that informs children of the presence of a muzzled dog.

26 (b) Uniform identifiable symbol.--The department may  
27 establish a uniform identifiable symbol for visual recognition  
28 of muzzled dogs.

29 (c) Other requirement.--A new owner or keeper of the muzzled  
30 dog shall be required to comply with the provisions of this  
31 article and regulations pertaining to a muzzled dog.

32 Section 503-B. Control of muzzled dogs.

33 (a) Prohibition.--It is unlawful for an owner or keeper of a  
34 muzzled dog to permit the muzzled dog to be:

35 (1) Outside the proper enclosure while individuals who  
36 are not members of the owner's or keeper's household are  
37 present as invitees on the premises or in the dwelling of the  
38 owner or keeper, unless the muzzled dog is muzzled and kept  
39 under the physical restraint of a responsible person.

40 (2) On public property or on private property that is  
41 not the owner's or keeper's premises or dwelling, unless the  
42 muzzled dog is muzzled and kept under the physical restraint  
43 of a responsible person.

44 (b) Requirement.--The muzzle shall be made in a manner that  
45 will not cause injury to the muzzled dog or interfere with the  
46 vision or respiration of the muzzled dog but shall prevent the  
47 muzzled dog from biting a person or animal or from destroying  
48 property with the muzzled dog's teeth.

49 Section 504-B. Public safety offenses.

50 (a) (Reserved).

51 (b) Attack by muzzled dog.--

1       (1) If a muzzled dog, through the intentional reckless  
2 or negligent conduct of the owner or keeper of the muzzled  
3 dog, attacks a human on the owner's or keeper's property,  
4 public property or private property that is not the owner's  
5 or keeper's premises, the owner or keeper shall be guilty of  
6 a misdemeanor of the second degree.

7       (2) If a muzzled dog, through the intentional reckless  
8 or negligent conduct of the owner or keeper of the muzzled  
9 dog, aggressively attacks and causes severe injury or death  
10 on a human on the owner's or keeper's property, public  
11 property or private property that is not the owner's or  
12 keeper's premises, the owner or keeper shall be guilty of a  
13 misdemeanor of the first degree.

14       (c) Utilization of fines.--All fines collected under this  
15 section shall be deposited into the Dog Law Restricted Account  
16 and may be utilized to pay the expenses of the department in  
17 administering the department's duties under this act.

18       (d) Collection.--In cases of inability to collect the fine  
19 assessed or failure of an owner or keeper of a muzzled dog to  
20 pay all or a portion of the fine, the secretary may refer the  
21 matter to the Office of Attorney General which shall institute  
22 an action in the appropriate court to recover the fine.

23       (e) Mandatory reporting.--

24       (1) All known incidents of dog attacks shall be reported  
25 to the county's State dog warden who shall investigate each  
26 incident and notify the department if a dog has been  
27 determined to be a muzzled dog.

28       (2) A State dog warden or police officer who has  
29 knowledge of a dog which has attacked a person shall file a  
30 written report summarizing the circumstances of the attack  
31 with the police in the municipality where the owner of the  
32 dog resides or, if the attack occurred outside the owner's  
33 municipality of residence, with the police having  
34 jurisdiction in the municipality where the attack occurred.  
35 The report shall be available for public inspection.

36 Section 505-B. Construction of article.

37       (a) Enforcement.--This article shall be enforced by all  
38 municipalities.

39       (b) Abusive or unlawful conduct of victim.--This article  
40 shall not apply if the injury was sustained by a person who, at  
41 the time:

42       (1) was committing a willful trespass or other tort upon  
43 the premises occupied by the owner or keeper of the dog;

44       (2) was tormenting, abusing or assaulting the dog;

45       (3) has, in the past, been observed or reported to have  
46 tormented, abused or assaulted the dog; or

47       (4) was committing or attempting to commit a crime.

48       (c) Farm dogs.--No farmer who owns and keeps a dog on the  
49 farm shall be subject to this article if the farm is  
50 conspicuously posted alerting visitors to the presence of a  
51 watch or guard dog at all points of ingress and egress.

1     (d) Procedure in certain cities.--In cities of the first  
2 class, second class and second class A, the following procedure  
3 shall apply:

4         (1) The following individuals may make a complaint  
5 before a magisterial district judge, charging the owner or  
6 keeper of the dog with harboring a muzzled dog:

7             (i) a person who has been attacked without  
8 provocation by a dog on the owner's or keeper's property,  
9 public property or on private property that is not the  
10 owner's or keeper's premises;

11            (ii) anyone on behalf of a person who has been  
12 attacked without provocation by a dog on the owner's or  
13 keeper's property, public property or on private property  
14 that is not the owner's or keeper's premises; or

15            (iii) a police officer or animal control officer  
16 employed by or under contract with the city.

17         (2) The magisterial district judge shall make a report  
18 of the determination under section 501-B(b) to the police or  
19 animal control officer employed by or under contract with the  
20 city and to the Bureau of Dog Law Enforcement.

21         (3) This article shall be enforced by the local police  
22 or animal control officer employed by or under contract with  
23 the city.

24         (4) Copies of all muzzled dog determinations and reports  
25 on the status of the muzzled dog shall be sent to the Bureau  
26 of Dog Law Enforcement.

27         (5) All known incidents of attacked by muzzled dogs  
28 shall be reported to the department for the purpose of  
29 keeping bite statistics and possible rabies exposure records.