AMENDMENTS TO SENATE BILL NO. 816

Sponsor: SENATOR DINNIMAN

Printer's No. 1072

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

One or more muzzled dog orders under Article V-A

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

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

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

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

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

(4) A State dog warden.

(5) A local police officer.

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

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

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

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

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

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

Section 502-B. Requirements.

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

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

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

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

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

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

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

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

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

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

Section 503-B. Control of muzzled dogs.

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

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

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

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

Section 504-B. Public safety offenses.

(a) (Reserved).

(b) Attack by muzzled dog.--

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

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

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

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

(e) Mandatory reporting.--

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

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

Section 505-B. Construction of article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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