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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

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

Introduced By: Representatives Gallison, and Marshall

Date Introduced: February 06, 2013

Referred To: House Judiciary

(by request)

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Legislative Findings. The general assembly finds and declares as follows:
- 2 (1) In recent years the state of Rhode Island has experienced a tragic series of incidents in
- 3 which citizens have been attacked and seriously injured by pitbull dogs; and,
- 4 (2) Concurrent with these attacks upon human beings, the community has also
- 5 experienced an increasing number of animal killings and serious injuries resulting from pitbull
- 6 attacks; and
- 7 (3) Pitbull breeds were developed for the purpose of fighting dogs and other animals; and
- 8 (4) To increase its effectiveness as a fighter, certain pitbull traits have been selected and
- 9 maximized by controlled breeding, including:
- 10 (i) A set of powerful jaws with an exceptional ability to grip, lock and tear when the dog
- 11 bites;
- 12 (ii) A unique insensitivity to pain that causes pitbulls to be exceedingly tenacious in the
- 13 attack; and
- 14 (iii) An unusually aggressive temperament towards human beings and animals; and
- 15 (4) An extraordinary directness in their method of attack that does not include the
- 16 common warning signs such as barking or growling displayed by other breeds.
- 17 (5) For the above reasons, pitbull dogs present a danger to the health and welfare of the
- 18 citizens of Rhode Island, different in degree and kind, from the dangers presented by other breeds

1 of dogs.

2 (6) It is the intent of the general assembly to utilize its authority and police powers to
3 protect the health, safety and welfare of its citizens through implementation of uniform
4 regulations and guidelines for the possession, handling, and control of pitbull dogs. The intent of
5 this act is not to outlaw the ownership of pitbull dogs but rather to stimulate responsible
6 ownership through confinement, registration and liability insurance. The unique history, nature,
7 and characteristics of pitbull dogs has been determined to require the special regulations and
8 provisions contained within this act which the general assembly finds to be reasonable and
9 necessary.

10 SECTION 2. Chapter 4-13.1 of the General Laws entitled "Regulation of Vicious Dogs"
11 is hereby amended by adding thereto the following sections:

12 **4-13.1-16. Definition and identification of a pitbull dog. --** (a) The term "pitbull dog"
13 as used within this chapter shall refer to any dog which exhibits those distinguishing
14 characteristics which:

15 (1) Substantially conform to the standards established by the American Kennel Club for
16 American Staffordshire Terriers or Staffordshire Bull Terriers; or

17 (2) Substantially conform to the standards established by the United Kennel Club for
18 American Pitbull Terriers.

19 (b) The current standards of the American Kennel Club and the United Kennel Club
20 referred to in subsection (a) shall remain on file with the animal control officer for each
21 municipality.

22 (c) Technical deficiencies in a dog's conformance to the standards described in
23 subsection (b) shall not be construed to indicate that the subject dog is not a "pitbull dog" under
24 this chapter.

25 (d) Testimony by a veterinarian, zoologist, animal behaviorist, or animal control officer
26 that a particular dog exhibits distinguishing physical characteristics of a pitbull shall establish a
27 rebuttable presumption that the dog is a pitbull.

28 (e) "Keeper" means any person who possesses, keeps, exercises control over, maintains,
29 harbors, transports, or sells a pitbull, whether or not that person is the owner.

30 (f) "Owner" means any person who owns, possesses, keeps, exercises control over,
31 maintains, harbors, transports or sells a pitbull.

32 **4-13.1-17. Confinement of pitbull dogs. --** (a) Because of the pitbull dog's inbred
33 propensity to attack other animals, and because of the danger posed to humans and animals alike
34 by a pitbull dog when running loose or while running together in a pack, pitbull dogs must at all

1 times except as otherwise provided in this section be securely confined indoors, or confined in a
2 securely and totally enclosed and locked pen, with either a top or with all four (4) sides at least
3 six feet (6') high, and with a conspicuous sign displaying the words "Dangerous Dog."

4 (b) At any time that a pitbull dog is not confined as required in subsection (a) above, the
5 dog shall be muzzled in such a manner as to prevent it from biting or injuring any person or
6 animal, and kept on a leash with the owner, keeper or handler in attendance. The owner or keeper
7 must be eighteen (18) years of age or older. No pitbull dog may be walked within one hundred
8 feet (100') of any public or private school ground nor enter onto such school grounds.

9 (c) An exception to the confinement requirements, of subsections (a) and (b) is hereby
10 provided for any pitbull dog in attendance at, and participating in, any lawful dog show, contest,
11 or exhibition sponsored by a dog club, association, and society of similar organization, or when
12 the dog is actually engaged in the sport of hunting in an authorized area and supervised by a
13 competent person eighteen (18) years of age or older.

14 (d) Municipal animal shelters may temporarily harbor and transport any pitbull for
15 purposes of enforcing the provisions of this chapter.

16 **4-13.1-18. Evidence of financial responsibility required to be maintained by owners**
17 **of pitbull dogs. --** In order to protect the public and to afford relief from the severe harm and
18 injury which is likely to result from a pitbull dog attack, every owner of a pitbull dog shall
19 maintain and be able to provide evidence of the owner's financial ability to respond in damages
20 up to and including the amount of fifty thousand dollars (\$50,000) for bodily injury to or death of
21 any person or damage to property which may result from the ownership, keeping or maintaining
22 of such dog. Proof of financial responsibility shall be given by filing with the animal control
23 office a certificate of insurance from an insurance company authorized to do business in the
24 state, stating that the owner is and will be insured against liability for such damages; or by posting
25 with the animal control officer a surety bond conditioned upon the payment of such damages
26 during the period of such registration; or by posting a personal bond secured by a mortgage in
27 real property or security interest in personal property; or a sworn statement of the owner of
28 his/her financial ability to respond to damages up to and including the amount of fifty thousand
29 dollars (\$50,000).

30 **4-13.1-19. Regulation of pitbull dogs. --** Every owner of a pitbull dog in the state of
31 Rhode Island shall register the dog with the animal control officer in the municipality in which
32 the dog will be kept, housed or located. The registration shall include the following: name,
33 address, and telephone number of the dog's owner; the address where the dog is harbored, if
34 different from the owner's address; a complete identification of the dog including the dog's sex,

color, and any other distinguishing characteristics; a color photograph of the dog; a description of the method of compliance with the confinement requirements; proof of the liability insurance or other evidence of financial responsibility required pursuant to this chapter; and a registration fee.

4-13.1-20. Enforcement. -- It shall be the duty and responsibility of all animal control officers in the state of Rhode Island to enforce the provisions of this chapter.

4-13.1-21. Time for compliance. -- (a) All persons subject to this chapter shall have ninety (90) days from the effective date of this chapter to comply with all confinement and registration and requirements of this chapter. The provisions of chapter 4-13.1-18 entitled “Evidence of financial responsibility required to be maintained by owners of pitbull dogs,” shall be effective within one hundred and twenty (120) days from the effective date of this chapter.

(b) Failure to register a pitbull dog as required by this chapter within the ninety (90) day grace period shall be prima facie evidence of non-compliance with this chapter.

(c) Violations of subsection (a) and or subsection (b) may result in the issuance of a civil violation notice and removal of the pitbull dog by the animal control officer until such time as compliance to this chapter is completed.

4-13.1-22. Pitbull signs in veterinary offices, kennels, commercial breeders, commercial animal establishments, pet shops, and dog grooming businesses. -- (a) Signs Required. Every veterinary office, kennel, commercial breeder, commercial animal establishment, pet shop and dog grooming business must post a sign stating in English, the following:

“BOTH PURE AND MIXED BREED PITBULL DOGS ARE CLASSIFIED AS DANGEROUS. FAILURE TO REGISTER, MUZZLE, CONFINE, AND INSURE A PITBULL IS A VIOLATION OF THE LAWS SUBJECT TO PENALTY. Chapter 4-13.1 of the Rhode Island General Laws.

“IF YOU OR YOUR FAMILY IS AT RISK BECAUSE SOMEONE LIVING NEAR YOU FAILS TO CONFINE, MUZZLE OR INSURE A PITBULL DOG, CONTACT THE ANIMAL CONTROL OFFICER” (HERE INSERT CURRENT PHONE NUMBER FOR THE LOCAL ANIMAL CONTROL OFFICER).

The sign must be prominently displayed to the public and clearly legible.

(b) Penalties. Failure to post a sign as required by this section shall be a civil violation subject to a one hundred fifty dollar (\$150) civil penalty. Every day a sign is not posted shall be a separate violation.

4-13.1-23. Schedule of civil penalties. --

<u>Chapter Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
<u>4-13.1-17</u>	<u>Failure to confine pitbull dog</u>	<u>\$500</u>

1 4-13.1-18 Failure of owner of pitbull dog to
2 maintain insurance or other
3 evidence of financial responsibility \$1500

4
5 4-13.1-19 Failure to register
6 pitbull dog \$100

7 **4-13.1-24. Application of chapter. --** The provisions of this chapter shall serve as the
8 minimum standards for the state of Rhode Island. Nothing in this chapter shall prevent
9 municipalities from providing for more stringent regulations of pitbull dogs and pitbull dog
10 owners.

11 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 provide for the regulation of pitbull ownership.
- 2 This act would take effect upon passage.

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