

2024 -- H 7840

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

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

Introduced By: Representatives J. Brien, Serpa, and Noret

Date Introduced: March 01, 2024

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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

3 **4-13.1-2. Definitions.**

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

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

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

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

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

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

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

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

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

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

- 1 (viii) Domestic swine (*Sus scrofa domestica*);
- 2 (ix) Llama (*Lama lama*);
- 3 (x) Alpaca (*Lama pacos*);
- 4 (xi) Camels (*Camelus bactrianus* and *Camel dromedarius*);
- 5 (xii) Domestic races of European rabbit (*Oryctolagus cuniculus*);
- 6 (xiii) Domestic races of chickens (*Callus gallus*);
- 7 (xiv) Domestic races of duck and geese (*Anatidae*) morphologically distinguishable from
- 8 wild birds;
- 9 (xv) Domestic races of guinea fowl (*Numida meleagris*);
- 10 (xvi) Domestic races of peafowl (*Pavo scristatus*).
- 11 (3) “Enclosed area” means an area surrounded by a fence that will prevent the dog from
- 12 leaving the owner’s property.
- 13 (4) “Enclosure” means a fence or structure of at least six feet (6’) in height, forming or
- 14 causing an enclosure suitable to prevent the entry of young children, and suitable to confine a
- 15 vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as
- 16 tethering of the vicious dog. The enclosure shall be securely enclosed and locked and designed with
- 17 secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the
- 18 enclosure.
- 19 (5) “Guardian” shall mean a person(s) having the same rights and responsibilities of an
- 20 owner and both terms shall be used interchangeably. A guardian shall also mean a person who
- 21 possesses; has title to or an interest in, harbors; or has control, custody, or possession of an animal
- 22 and who is responsible for an animal’s safety and well-being.
- 23 (6) “Impounded” means taken into the custody of the public pound in the city or town
- 24 where the vicious dog is found.
- 25 (7) “Leash” means a rope, cable, nylon strap, or other means attached to the dog that will
- 26 provide the owner with control of the dog.
- 27 (8) “Muzzle” means a device that shall not cause injury to the dog or interfere with its
- 28 vision or respiration but shall prevent the dog from biting a person or animal.
- 29 (9) “Person” means a natural person or any legal entity, including but not limited to, a
- 30 corporation, firm, partnership, or trust.
- 31 (10) “Serious injury” means any physical injury consisting of a broken bone(s) or
- 32 permanently disfiguring lacerations requiring stitches, multiple stitches or sutures, or cosmetic
- 33 surgery.
- 34 (11) “Tie-out” means a cable, rope, light-weight chain, or other means attached to the dog

1 that will prevent the dog from leaving the owner's property.

2 (12) "Vicious dog" means:

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

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

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

9 (iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any
10 dog trained for dog fighting that is deemed vicious after it has been properly assessed by the Rhode
11 Island Society for the Prevention of Cruelty to Animals (RISPCA) pursuant to the provisions of §
12 4-13.1-5(d).

13 Notwithstanding the definition of a vicious dog in subsection (12)(iv) of this section, no
14 dog may be declared vicious in accordance with § 4-13.1-11 if an injury or damage is sustained by
15 a person who, at the time that injury or damage was sustained, was committing a trespass or other
16 tort upon premises occupied by the owner or keeper of the dog; or was teasing, tormenting,
17 provoking, abusing, or assaulting the dog; or was committing, or attempting to commit, a crime; or
18 until the society for the prevention of cruelty to animals has an opportunity to assess the dog
19 pursuant to the provisions of § 4-13.1-5(d).

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

25 **4-13.1-5. Harboring dogs for dog fighting — Training dogs to attack humans —**
26 **Selling, breeding, or buying dogs.**

27 (a) No person shall own or harbor any dog for the purpose of dog fighting; or train, torment,
28 badger, bait, or use any dog for the purpose of causing or encouraging the dog to unprovoked
29 attacks upon human beings or domestic animals.

30 (b) No person shall possess with intent to sell, or offer for sale, breed, or buy, or attempt to
31 buy, within the state any ~~vicious~~ dog that has previously been declared vicious.

32 (c) Any dog described in subsection (a) or (b) of this section lawfully seized by a sheriff,
33 deputy sheriff, constable, police officer, agent or officer of the Rhode Island Society for the
34 Prevention of Cruelty to Animals ("RISPCA") ~~shall~~ may be placed in the care of the RISPCA

1 pursuant to the provisions of § 4-1-22 — ~~§ 4-1-31~~.

2 (d) ~~The RISPCA shall utilize a timely process to determine the disposition of the dog and~~
3 ~~provide for prompt transfer to an appropriate rescue organization or adoptive home with humane~~
4 Humane euthanization of a dog described in subsections (a) or (b) of this section shall occur
5 ~~occurring~~ only if the RISPCA, after an evaluation, has determined that the dog's medical and/or
6 behavioral condition warrants such action or it is determined by the sheriff, deputy sheriff,
7 constable, police officer, agent, or officer of the RISPCA having possession of the dog, after
8 reasonable time and effort have been expended, that no appropriate placement for the dog exists.

9 (e) A municipality that transfers a dog seized pursuant to this section into the care of the
10 RISPCA shall be responsible for the costs incurred by the RISPCA for the care and treatment of
11 the dog. The cost of the care and treatment billed to the transferring municipality shall be reasonable
12 and related to equivalent services provided by veterinary care and animal sheltering, feeding, and
13 boarding services in this state. Notwithstanding the receipt of payment of care and treatment from
14 a transferring municipality, the RISPCA may proceed pursuant to § 4-1-22(c) to collect the full
15 cost of care and treatment of any dog that is in its care or custody pursuant to this section and any
16 amounts recovered will be applied first to satisfy any outstanding invoices for services provided
17 that have not previously been paid for with the balance of any amount recovered to be paid to the
18 transferring municipality.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS
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1 This act would provide that when a municipality transfers a dog to the RISPCA, which dog
2 was seized because the dog was harbored for fighting or trained to attack humans, the costs for the
3 care of the dog would be initially paid by the municipality. The RISPCA would still be permitted
4 to pursue a civil action for damages against the actual owner or guardian of the dog for these costs.
5 This act would also revise the procedure to be followed prior to humane euthanization of the dog.

6 This act would take effect upon passage.

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