

MISSISSIPPI LEGISLATURE
2023 Regular Session
To: Judiciary B
By: Representative Bain

House Bill 530

AN ACT TO PROVIDE A PROCESS FOR ANY PERSON TO FILE A DANGEROUS DOG COMPLAINT WITH MUNICIPAL OR COUNTY LAW ENFORCEMENT WHEN A DOG BITES, CAUSES PHYSICAL INJURY OR DEATH TO ANY PERSON; TO AMEND SECTION 97-41-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE HUMANE EUTHANASIA FOR DOGS DECLARED DANGEROUS; TO AMEND SECTION 41-53-11, MISSISSIPPI CODE OF 1972, TO INCREASE THE FINE FOR DOGS FOUND RUNNING AT LARGE; TO AMEND SECTION 21-19-9, MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY OF MUNICIPALITIES TO REGULATE DANGEROUS DOGS; TO AMEND SECTION 97-3-45, MISSISSIPPI CODE OF 1972, TO CONFORM THE PROVISION OF LAW THAT PROVIDES FOR ANIMALS THAT KILL HUMAN BEINGS; TO BRING FORWARD SECTION 19-5-50, MISSISSIPPI CODE OF 1972, WHICH PROVIDES CERTAIN POWERS TO CERTAIN MUNICIPALITIES REGARDING DANGEROUS DOGS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) (a) Any person may file a dangerous dog complaint with a municipal law enforcement officer or county sheriff, whichever is applicable, when a dog has bitten, caused physical injury or death to the person or to any other person. The complaint shall be filed as a sworn statement and shall state the name of the dog owner, if known, the location where the dog is being kept or was last seen in the municipality or county, and the reason he or she believes the dog to be dangerous.

(b) No later than fifteen (15) days from receiving such complaint, the municipal law enforcement officer or county sheriff shall deliver the complaint to an employee of the agency or department that is charged with the control or welfare of dogs or cats within the municipality or county. The agency or department that is charged with the control or welfare of dogs or cats shall conduct an investigation to determine whether the dog is dangerous. When the complaint alleges that a dog has caused serious physical injury or death to a person, the duties of the agency or department, including, but not limited to the investigation, shall be carried out by a municipal or county law enforcement officer, whichever is applicable.

(2) (a) If a dangerous dog investigation leads an agency, department or officer to believe the sworn statement is true, all of the following shall occur:

(i) The agency or department shall file a summons for the owner of the dog, if known, with the municipal court or county court;

(ii) The dog in question shall be impounded by the county or municipality. A county or municipality may enter into an agreement with an animal shelter or licensed veterinarian to impound the dog; provided, however, the owner of the dog shall be provided the opportunity to

choose a veterinarian to impound the dog in lieu of the county pound or animal shelter. If the dog is impounded with a veterinarian chosen by the owner of the dog, the owner of the dog shall be liable to the veterinarian for all costs to impound, feed, and provide veterinary care or treatment. If the county or municipality impounds the dog, the owner of the dog shall be liable to the county or municipality for the costs and expenses incurred in impounding, feeding, and providing veterinary care or treatment to the dog; and

(iii) The agency or department shall send a copy of the investigation report to the county attorney, municipal attorney, or municipal prosecutor.

(b) If the dangerous dog investigation leads the agency or department to conclude that the allegations in the complaint are unfounded, the agency or department shall advise the complainant of his or her findings and shall submit the results of the investigation to the person who filed the complaint.

(c) At any time before or during an investigation, the owner of the dog may consent to the dog being humanely euthanized.

(d) A copy of all investigations made pursuant to this section shall be kept on file in the municipal law enforcement's office or sheriff's office, as applicable. The agency or department shall maintain a record of the investigation for no less than ten (10) years.

(3) Upon receiving the results of an investigation described in subsection (2) of this section, the county attorney, municipal attorney, or municipal prosecutor shall file a petition in court to declare the dog that caused physical injury or death to a person in the jurisdiction of the county or municipality dangerous. The owner of the dog, if known, shall be served with a copy of the petition.

(4) The owner of a dog that is the subject of an investigation described in this section is prohibited from relocating the dog or transferring ownership of the dog during or after the investigation unless specifically authorized by the court.

(5) (a) The court hearing shall be held as soon as practicable. At the hearing, the county attorney, municipal attorney, or municipal prosecutor shall present evidence that the dog is dangerous. To declare the dog dangerous, the court shall find by reasonable satisfaction that the dog bit, attacked, or caused physical injury or death to a person without justification.

(b) If the court determines that the dog is dangerous and has caused physical injury or death to a person, the court shall order the dog to be humanely euthanized by a licensed veterinarian or an authorized animal control official.

(c) If the court determines that the dog is dangerous, but has not caused serious physical injury or death to a person, the court shall determine whether the dog has a propensity to cause future serious physical injury or death. If the court determines by reasonable satisfaction that the dog has such a propensity, the court may order the dog to be humanely euthanized by a licensed veterinarian or an authorized animal control officer or the court may order the dog be returned to its owner pursuant to all of the following conditions:

(i) The dog shall be held in an impound until the owner complies with all orders of the court, but if the owner fails to comply with all orders of the court within thirty (30) days of the court's order, the dog shall be humanely euthanized;

(ii) The dangerous dog shall be microchipped;

(iii) The owner of the dangerous dog shall provide a copy of the certificate of the current rabies vaccination of the dog;

(iv) The dangerous dog shall be spayed or neutered;

(v) The owner of the dangerous dog shall be required to pay all expenses involved with the investigation, pickup, and impoundment, and any court costs or fees related to the hearing to determine whether the dog is dangerous;

(vi) The owner of the dangerous dog shall be required to pay: an annual dangerous dog registration fee of One Hundred Dollars (\$100.00) to the county or municipality for each dog deemed dangerous with the first payment being required within two (2) weeks after the court declares the dog dangerous. If the owner fails to register the dangerous dog and pay the fee described in this paragraph, the county or municipality shall assess a penalty of One Hundred Dollars (\$100.00) for each week after the owner was required to register and pay the fee; and

(vii) The owner shall be required to obtain a surety bond of at least One Hundred Thousand Dollars (\$100,000.00) and shall provide proof to the court or animal control office. The surety bond shall provide coverage for dog bites, injuries, or death caused by the dog. The owner shall provide proof of the surety bond each time the annual dangerous dog registration fee is paid. The owner of the dangerous dog shall provide proof to the court that he or she has constructed a proper enclosure for a dangerous dog.

(9) The pleading and practice in all cases to petition the court to declare a dog to be dangerous under this section shall be performed in accordance with the Mississippi Rules of Civil Procedure.

(10) It shall be presumed that a dog is not a dangerous dog pursuant to this section if the dog was on property owned by the owner of the dog when the event subject to a claim under this section occurred or if the victim was trespassing on any property when the event subject to the complaint under this section occurred.

SECTION 2. Section 97-41-3, Mississippi Code of 1972, is amended as follows:

97-41-3. (1) Any sheriff, constable, policeman, or agent of a society for the prevention of cruelty to animals may kill, or cause to be killed, any animal other than a dog or cat found neglected or abandoned, if in the opinion of three (3) respectable citizens it is injured or diseased past recovery, or by age has become useless.

(2) (a) After all reasonable attempts have been made to locate the legal owner of a dog or cat that is found maimed, wounded, injured or diseased, the dog or cat may be euthanized, or caused to be euthanized, by:

(i) A law enforcement officer;

(ii) A veterinarian licensed in Mississippi;

(iii) An employee of an agency or department of a political subdivision that is charged with the control or welfare of dogs or cats within the subdivision; or

(iv) An employee or agent of an organization that has the purpose of protecting the welfare of or preventing cruelty to dogs or cats and that possesses nonprofit status under the United States Internal Revenue Code.

(b) The provisions of this subsection (2) shall not be construed to prevent the immediate euthanasia by the persons enumerated in this subsection or by any other person, if it is necessary to prevent unrelievable suffering of the dog or cat.

(3) Any person acting in good faith and without malice pursuant to this section shall be immune from civil and criminal liability for that action.

(4) Any sheriff, constable, policeman, or agent of a society for the prevention of cruelty to animals may humanely euthanize any dog declared dangerous under the provisions of Section 1 of this act.

SECTION 3. Section 41-53-11, Mississippi Code of 1972, is amended as follows:

41-53-11. (1) It shall be lawful and it shall be * * * the duty for any sheriff, conservation officer or peace officer of a county or municipality to kill any dog above the age of three (3) months found running at large on whose neck there is no such collar and tag. No action shall be maintained by the owner for such killing. However, it shall be the duty of * * * the officer who finds a dog or dogs running at large to first keep * * * the dog or dogs for a period of five (5) days, unless the dog is declared dangerous, and notify the sheriff of said county that he has * * * the dog or dogs, giving the sheriff a description of same. If anyone proves himself or herself to be the owner of * * * the dog or dogs, he or she shall pay * * * a fine of One Hundred Dollars (\$100.00) before the dog is delivered to the owner.

(2) It shall be the duty of any sheriff, conservation officer or peace officer of a county or municipality to kill or otherwise destroy any and all dogs above the age of three (3) months which are running at large and have not been inoculated (vaccinated) as required in this chapter.

SECTION 4. Section 21 19 9, Mississippi Code of 1972, is amended as follows:

21 19 9. (1) The governing authorities of municipalities shall have the power to prevent or regulate the running at large of animals of all kinds, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such regulations and the expense of impounding and keeping and selling the same; to regulate and provide for the taxing of owners and harborers of dogs, and to destroy dogs running at large, unless such dogs have proper identification indicating that said dogs have been vaccinated for rabies; and to provide for the erection of all needful pens, pounds and buildings for the use of the municipality, within or without the municipal limits, and to appoint and confirm keepers thereof, and to establish and enforce rules governing the same.

The governing authorities of municipalities may enter into pacts, agreements or contracts with other municipalities to provide for cooperation in the use or erection of all pens, pounds and buildings to prevent or regulate the running at large of animals of all kinds.

(2) The governing authorities of municipalities shall have the power to regulate dangerous dogs in compliance with Section 1 of this act.

SECTION 5. Section 97-3-45, Mississippi Code of 1972, is amended as follows:

97-3-45. (1) If the owner of a mischievous animal, knowing its propensity, * * * willfully suffer it to go at large, or shall keep it without ordinary care, and such animal, while so at large, or not confined, kill any human being who shall have taken reasonable precautions to avoid the animal, such owner shall be guilty of manslaughter.

(2) If the animal described in subsection (1) of this section is a dog, it shall be declared dangerous as provided in Section 1 of this act.

SECTION 6. Section 19-5-50, Mississippi Code of 1972, is brought forward as follows:

19-5-50. (1) The governing authorities of any county bordering on the Gulf of Mexico and having within its boundaries two cities having in excess of forty thousand (40,000) population each, according to the 1970 United States decennial census and of any county bordering on the Pearl River having two (2) judicial districts, wherein is housed the seat of state government, wherein U. S. Interstates 55 and 20 interchange and having a population in excess of two hundred thousand (200,000), according to the 1970 federal decennial census, shall have the power to prevent or regulate the running at large of animals of all kinds, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such regulations and the expense of impounding and keeping and selling the same; to regulate and provide for the taxing of owners and harborers of dogs, and to destroy dogs running at large, unless such dogs have proper identification indicating that said dogs have been vaccinated for rabies; and to provide for the erection of all needful pens, pounds, and buildings for the use of the county, and to appoint and confirm keepers thereof, and to establish and enforce rules governing the same.

(2) The governing authorities of any county bordering on the Gulf of Mexico and having within its boundaries two (2) cities having in excess of forty thousand (40,000) population each, according to the 1970 federal decennial census, and of any county bordering on the Gulf of Mexico and the State of Alabama in which there is a shipyard which constructs oceangoing vessels, and any county bordering on the Gulf of Mexico and the State of Louisiana and through which U.S. Interstate Highway 10 runs, shall have the power to prevent or regulate the running at large of animals of all kinds, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such regulations and the expense of impounding and keeping and selling the same; to regulate and provide for the taxing of owners and harborers of dogs, and to destroy dogs running at large unless such dogs have proper identification indicating that said dogs have been vaccinated for rabies; and to provide for the erection of all needful pens, pounds and buildings for the use of the county, and to appoint and confirm keepers thereof, and to establish and enforce rules governing the same.

SECTION 7. This act shall take effect and be in force from and after July 1, 2023.