

FIRST REGULAR SESSION

# HOUSE BILL NO. 549

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES CHAPPELLE-NADAL (Sponsor), LeVOTA, NANCE, SALVA,  
SCHOEMEHL, EL-AMIN, BROWN (50), HUBBARD, RUCKER,  
HOSKINS AND NASHEED (Co-sponsors).

Read 1st time January 23, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0966L.01I

---

### AN ACT

To amend chapter 273, RSMo, by adding thereto three new sections relating to dangerous dogs,  
with penalty provisions.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 273, RSMo, is amended by adding thereto three new sections, to be  
2 known as sections 273.500, 273.503, and 273.506, to read as follows:

**273.500. As used in sections 273.500 to 273.506, the following terms shall mean:**

2 **(1) "Animal control authority", any entity having the authority to enforce the**  
3 **animal control laws or regulations of the state or any political subdivision of the state. In**  
4 **areas not served by an animal control authority, local law enforcement shall carry out the**  
5 **duties of the animal control authority under this section;**

6 **(2) "Animal control officer", any individual employed, contracted with, or**  
7 **appointed by the animal control authority to aid in the enforcement of this section or any**  
8 **other law or regulation relating to the licensure of animals, or control, seizure, or**  
9 **impoundment of animals, and includes any state or local law enforcement officer or other**  
10 **employee whose duties in whole or in part include assignments that involve the seizure and**  
11 **impoundment of any animal;**

12 **(3) "Dangerous dog", any dog, according to the records of the appropriate**  
13 **authority, which:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended  
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 14           (a) When provoked and in an aggressive manner, inflicts severe injury on or kills  
15 a human being;
- 16           (b) Inflicts serious injury or death on any domestic animal while off the owner's  
17 property;
- 18           (c) Has been previously determined to be and is currently listed as a potentially  
19 dangerous dog which, after its owner or keeper has been notified of such determination,  
20 continues the aggressive or threatening behavior or bites a human being or domestic  
21 animal;
- 22           (d) Has been trained or used for the purpose of dog fighting, or has been  
23 encouraged to fight or attack other animals;
- 24           (4) "Domestic animal", any dog, cat, pet, or farm animal that is kept by the owner  
25 in a domesticated environment;
- 26           (5) "Hearing entity", any neutral person designated by the animal control  
27 authority or local law enforcement who has the ability to review evidence, draw  
28 conclusions, and make a determination as to the classification of a potentially dangerous  
29 dog or dangerous dog. Such person may be an animal control officer or employee, or a law  
30 enforcement officer or employee, a county or city administrative official, or a member of  
31 the court;
- 32           (6) "Impounded", taken into the custody of the public pound or animal control  
33 department, or the provider of animal control services to a political subdivision of this state  
34 where the potentially dangerous dog or dangerous dog is found;
- 35           (7) "Potentially dangerous dog", any of the following:
- 36           (a) Any dog which, when provoked and within the immediately preceding thirty-six  
37 month period, engages in any behavior that requires a defensive action by any reasonable  
38 person to prevent bodily injury when the person and the dog are off the property of the  
39 owner or keeper of the dog, provided such actions are recorded and investigated by the  
40 appropriate authority;
- 41           (b) Any dog which, when provoked, inflicts a bite that causes a minor injury to a  
42 human being or domestic animal on two separate occasions;
- 43           (8) "Proper enclosure for a dangerous dog", while on the owner's property, a  
44 securely confined indoor enclosed and locked structure or pen suitable to prevent the entry  
45 of young children or other domestic animals, and which effectively prevents a dangerous  
46 dog from escaping or coming into direct contact with passers-by. Such enclosure shall be  
47 constructed with quality workmanship and substantial materials that will prevent the dog  
48 from getting under, over, or through the structure and shall provide protection from the  
49 elements;

50           (9) "Severe injury", any physical injury to a human being that results in muscle  
51 tears or disfiguring lacerations, or requires multiple sutures, hospitalization, or corrective  
52 or cosmetic surgery;

53           (10) "Unprovoked", the victim was engaged in a lawful activity and conducting  
54 himself or herself peacefully in a manner that is not abusive or threatening to the dog.

          273.503. 1. If an animal control officer or law enforcement officer has investigated  
2 reported incidents in a timely manner, interviewed witnesses, and required sworn  
3 affidavits from any person, including any animal control officer or law enforcement officer,  
4 and determined that probable cause exists that a dog is dangerous, such officer shall  
5 provide the owner of the dog an opportunity for a hearing prior to making a final  
6 determination. Such officer shall notify the owner or keeper of the dog that a hearing will  
7 be held by the hearing entity, at which time the owner may present evidence as to why the  
8 dog should not be declared dangerous. The owner or keeper of the dog shall be served  
9 with notice of the hearing and a copy of the evidence, either personally or by first-class  
10 mail. The owner shall request a hearing in writing or in person to the animal control  
11 authority or local law enforcement. The hearing shall be held within not less than five  
12 business days or more than twenty-one business days after service of notice on the owner  
13 or keeper. The hearing shall be open to the public. The hearing entity may admit into  
14 evidence all relevant evidence, including incident reports and affidavits of witnesses, may  
15 limit the scope of discovery, and may shorten the time to produce records or witnesses. No  
16 jury shall be impaneled for such hearing. The hearing entity may find, upon a  
17 preponderance of the evidence, that the dog is dangerous and make other orders  
18 authorized by law. Each applicable local governing authority shall establish hearing  
19 procedures in accordance with the requirements of sections 273.500 to 273.506.

20           2. Any animal that is the subject of a dangerous dog investigation shall be  
21 impounded at the owner's expense by the local animal control authority or may be  
22 humanely and safely confined by the owner in a securely fenced or enclosed area pending  
23 the conclusion of the investigation and resolution of any hearings related to such dog. No  
24 dog that is the subject of a dangerous dog investigation shall be relocated or ownership  
25 transferred pending the conclusion of the investigation or any hearings related to such dog.  
26 If the dog is to be euthanized, the dog shall not be relocated or ownership transferred.

27           3. Upon classification of a dog as a dangerous dog, the animal control authority  
28 shall provide written notification to the owner, personally or by first-class mail, and the  
29 owner may file a written request for a court hearing within ten business days. The court  
30 or hearing entity of original jurisdiction or the court hearing the appeal shall decide all  
31 issues relating to the owner or keeper of the dog, even if the owner or keeper fails to appear

32 at the hearing. The determination of the court hearing the appeal shall be final and  
33 conclusive upon all parties. After receipt of a written determination of a dangerous dog  
34 classification, the owner or keeper shall confine the dog in a securely fenced or enclosed  
35 area pending a resolution of any appeal. Each applicable local governing authority shall  
36 establish appeal procedures in accordance with the requirements of sections 273.500 to  
37 273.506.

38 4. Within fourteen business days after a dog has been classified as dangerous and  
39 such classification is upheld on appeal, and it is determined that such dog has not been  
40 destroyed, the judicial authority shall impose conditions upon the ownership of the dog  
41 that protects the public health, safety, and welfare. Such conditions may include any of the  
42 following:

- 43 (1) A current certificate of rabies vaccination for the dog;
- 44 (2) A special license or dangerous dog registration;
- 45 (3) Implantation of a microchip;
- 46 (4) A proper enclosure for a dangerous dog;
- 47 (5) The spaying or neutering of the dog; or
- 48 (6) Proof of liability insurance in the amount of not less than one hundred thousand  
49 dollars.

50 5. No dog shall be declared potentially dangerous or dangerous if the threat, injury,  
51 or damage sustained by a human being who was unlawfully on the property or while  
52 lawfully on the property was teasing, tormenting, abusing, or assaulting the dog or its  
53 owner or any family member. No dog shall be declared dangerous if the dog was  
54 protecting or defending a human being within the immediate vicinity of the dog from an  
55 unjustified attack or assault. The animal control authority may take under consideration  
56 special circumstances, such as whelping bitches, animals involved in dog fights, dogs inside  
57 vehicles, injured dogs, or dogs in physical distress. No dog shall be declared potentially  
58 dangerous or dangerous if the injury or damage to a domestic animal was sustained while  
59 the dog was working as a hunting dog, herding dog, or predator control dog on the  
60 property of or under the control of its owner or keeper, and the damage or injury was to  
61 a species or type of domestic animal appropriate to the work of the dog.

273.506. 1. All potentially dangerous dogs shall be properly licensed and  
2 vaccinated. The licensing authority shall include the potentially dangerous designation in  
3 the registration records of the dog, either after the owner or keeper of the dog has agreed  
4 to the designation or the court or hearing entity has determined the designation applies to  
5 the dog. A political subdivision of the state may charge a potentially dangerous dog fee in

6 addition to the regular license fee to provide for the increased costs of maintaining the  
7 records of the dog.

8       2. A potentially dangerous dog, while on the owner's property, shall at all times be  
9 kept indoors or in a securely fenced yard or enclosure from which the dog cannot escape,  
10 and into which children cannot trespass. A potentially dangerous dog shall be allowed off  
11 the owner's premises only if the dog is restrained by a substantial leash of appropriate  
12 length and if the dog is under the control of a responsible adult.

13       3. No potentially dangerous dog or dangerous dog shall be transferred to another  
14 owner or jurisdiction without written notification to the animal control authority or local  
15 law enforcement authority. Such authorities shall be notified of the death of any  
16 potentially dangerous dog or dangerous dog.

17       4. If there are no additional instances of the behavior described within a thirty-six  
18 month period from the date of designation as a potentially dangerous dog, the dog's record  
19 may be reviewed and a determination made by the animal control authority or local law  
20 enforcement authority as to whether the dog should be removed from the list of potentially  
21 dangerous dogs. The dog may be removed from such list prior to the expiration of the  
22 thirty-six month period if the owner or keeper of the dog demonstrates to the authority  
23 that a change in circumstance or measures have been taken by the owner or keeper, such  
24 as training of the dog, which mitigate the risk to public safety.

25       5. A dangerous dog may be euthanized by the animal control authority or local law  
26 enforcement authority when it is found, after proceedings conducted under sections  
27 273.500 to 273.506, that the release of the dog would create a significant threat to the public  
28 health, safety, and welfare.

29       6. The owner of a dangerous dog may be prohibited by a political subdivision of the  
30 state from owning, possessing, controlling, or having custody of any dog for a period of up  
31 to three years when it is found, after proceedings conducted under sections 273.500 to  
32 273.506, that ownership or possession of a dog by such person would create a significant  
33 threat to the public health, safety, and welfare.

34       7. Any person who violates sections 273.500 to 273.506 involving a potentially  
35 dangerous dog shall be subject to a fine of not more than five hundred dollars. Any person  
36 who violates sections 273.500 to 273.506 involving a dangerous dog shall be subject to a fine  
37 of not more than one thousand dollars.

38       8. Nothing in sections 273.500 to 273.506 shall affect or otherwise alter any existing  
39 civil or criminal liability laws regarding dogs.

40       9. Nothing in sections 273.500 to 273.506 shall be construed as prohibiting any  
41 political subdivision of the state from adopting or enforcing its own program for the

42 control of potentially dangerous dogs or dangerous dogs that may incorporate all, part, or  
43 none of the provisions of sections 273.500 to 273.506, or that may impose a different  
44 penalty for violations or impose a more restrictive program to control such dogs; provided  
45 that, no program shall regulate such dogs in a manner that is specific as to breed.

✓