



RHODE ISLAND SPCA

RI SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

CHAPTER 4-13.1

REGULATION OF VICIOUS DOGS

- ▶ OVERVIEW OF THE HEARING PROCESS
 - ▶ INCIDENT OCCURS INVOLVING A DOG. BITE/ATTACK/SCRATCH/BEHAVIOR.....HUMAN OR ANIMAL DIRECTED
 - ▶ DOG MAY OR MAY NOT BE QUARANTINED BY ANIMAL CONTROL
 - ▶ PROBABLE CAUSE TO BELIEVE A DOG IS VICIOUS
 - ▶ HEARING IS INITIATED BY THE CITY/TOWN ANIMAL CONTROL OFFICER/POLICE DEPARTMENT WHERE THE INCIDENT OCCURRED
 - ▶ ANIMAL CONTROL OFFICER/POLICE DEPT. CONTACTS RISPCA TO SCHEDULE A HEARING DATE/TIME.
 - ▶ ANIMAL CONTROL OFFICER/POLICE DEPT. "NOTIFY" ALL PARTIES INVOLVED OF THE HEARING DATE/TIME.**SPECIFIC PARAMETERS.
 - ▶ HEARING MUST BE POSTED ON SECRETARY OF STATE WEBSITE

OVERVIEW CONTINUED

- ▶ HEARING PANEL CONSISTS OF POLICE CHIEF OR DESIGNEE, EXECUTIVE DIRECTOR OF RISPCA OR DESIGNEE, AND PERSON CHOSEN BY POLICE CHIEF AND RISPCA (USUALLY ACO FROM OUTSIDE AGENCY)
- ▶ HEARING IS OPEN TO THE PUBLIC AND MODERATED BY RISPCA
- ▶ HEARING IS RUN LIKE AN “INFORMAL” COURT PROCEDURE WHERE ALL INVOLVED PARTIES/WITNESSES HAVE AN OPPORTUNITY TO TESTIFY
- ▶ SOME PARTIES HAVE REPRESENTATION OF LEGAL COUNSEL
- ▶ TESTIMONY, PHOTOGRAPHS, VETERINARY RECORDS
- ▶ AT CONCLUSION OF TESTIMONY, HEARING PANEL DELIBERATES OPENLY AND RENDERS DECISION

OVERVIEW CONTINUED

- ▶ EACH PANEL MEMBER CASTS VOTE: VICIOUS OR NOT VICIOUS BASED UPON EVIDENCE PRESENTED AND STATUTORY DEFINITION OF VICIOUS DOG FOUND IN 4-13.1-2
- ▶ MAJORITY RULES AND STANDARD USED IS PREPONDERANCE OF THE EVIDENCE
- ▶ IF DOG IS DEEMED VICIOUS, PANEL VOTES ON IMPOSING ANY/ALL OF A LIST OF REQUIREMENTS FOUND IN RIGL 4-13.1-3
 - ▶ INSURANCE
 - ▶ TATTOO/MICROCHIP
 - ▶ WARNING SIGN
 - ▶ ENCLOSURE(SIX SIDED)

OVERVIEW CONTINUED

- ▶ NOTIFY POLICE IF DOG IS LOOSE
- ▶ DOG OFF OWNER'S PROPERTY LEASH AND/OR MUZZLE
- ▶ DOG OUTSIDE ON OWNER'S PROPERTY; LEASH, MUZZLE, TIE-OUT, ENCLOSED AREA
- ▶ SPAYED/NEUTERED
- ▶ OWNER MUST NOTIFY CHANGE OF ADDRESS
- ▶ OWNER PROHIBITED TO GIVE AWAY OR SELL DOG
- ▶ DOG TO BE EUTHANIZED PURSUANT TO RIGL 4-13.1-9

OVERVIEW CONTINUED

- ▶ EACH REQUIREMENT IS VOTED ON AND MAJORITY RULES
- ▶ EUTHANASIA ONLY ONE REQUIRING UNANIMOUS DECISION
- ▶ OWNER HAS UP TO 30 DAYS TO COMPLY WITH REQUIREMENTS
- ▶ ANIMAL CONTROL TO SEND WRITTEN NOTIFICATION OF REQUIREMENTS
- ▶ DOG OWNER HAS RIGHT TO APPEAL

SECTION 4-13.1-1

DECLARATION OF PURPOSE

- ▶ ORIGIN DATES BACK TO 1985
- ▶ STATEWIDE PROBLEM REQUIRING STATEWIDE REGULATION
- ▶ EMERGENCY MEASURE PROVIDING FOR IMMEDIATE PRESERVATION OF PUBLIC HEALTH, SAFETY AND WELFARE

4-13.1-2

DEFINITIONS

- ▶ DOMESTIC ANIMALS
- ▶ ENCLOSED AREA VS ENCLOSURE
- ▶ LEASH, MUZZLE, TIE-OUT
- ▶ SERIOUS INJURY
- ▶ **VICIOUS DOG DEFINED AS:**
 - ▶ ANY DOG THAT, WHEN **UNPROVOKED**, IN A VICIOUS OR TERRORIZING MANNER, APPROACHES ANYONE IN AN APPARENT ATTITUDE OF ATTACK UPON THE STREETS, SIDEWALKS OR ANY PUBLIC GROUNDS OR PLACES.
 - ▶ ANY DOG WITH A KNOWN PROPENSITY, TENDENCY OR DISPOSITION TO ATTACK **UNPROVOKED**, TO CAUSE INJURY, OR TO OTHERWISE ENDANGER THE SAFETY OF HUMAN BEINGS OR DOMESTIC ANIMALS.

DEFINITIONS CONTINUED

- ▶ ANY DOG THAT BITES, INFLICTS INJURY, ASSAULTS, OR OTHERWISE ATTACKS A HUMAN BEING OR DOMESTIC ANIMAL **WITHOUT PROVOCATION** ON PUBLIC OR PRIVATE PROPERTY.
- ▶ ANY DOG OWNED OR HARBORED PRIMARILY OR IN PART FOR THE PURPOSE OF DOG FIGHTING, OR ANY DOG TRAINED FOR DOG FIGHTING, THAT IS DEEMED VICIOUS AFTER IT HAS BEEN PROPERLY ASSESSED BY THE RHODE ISLAND SPCA

DEFINITIONS CONTINUED

- ▶ NO DOG MAY BE DECLARED VICIOUS IF.....
 - ▶ INJURY OR DAMAGE WAS SUSTAINED BY A PERSON, WHO AT THE TIME THE INJURY OR DAMAGE WAS SUSTAINED, WAS COMMITTING A TRESPASS OR TORT UPON THE PREMISE OCCUPIED BY THE OWNER OR KEEPER OF THE DOG, OR WAS TEASING, TORMENTING, PROVOKING, ABUSING OR ASSAULTING THE DOG
 - ▶ INJURY OR DAMAGE WAS SUSTAINED BY A DOMESTIC ANIMAL, WHICH AT THE TIME THE INJURY OR DAMAGE WAS SUSTAINED, WAS TEASING, TORMENTING, PROVOKING, ABUSING OR ASSAULTING THE DOG.
 - ▶ DOG WAS PROTECTING OR DEFENDING A HUMAN BEING WITHIN THE IMMEDIATE VICINITY OF THE DOG FROM AN UNJUSTIFIED ATTACK OR ASSAULT

4-13.1-3

REQUIREMENTS FOR REGISTRATION

- ▶ MEETS ANY OR ALL OF THE FOLLOWING REQUIREMENTS AS MAY BE IMPOSED BY THE HEARING PANEL:
 - ▶ LIABILITY INSURANCE OF AT LEAST \$100,000
 - ▶ TATTOO OR MICROCHIP
 - ▶ WARNING SIGN
 - ▶ ENCLOSURE/SIX SIDED
 - ▶ NOTIFY THE POLICE IF DOG IS LOOSE/WITHIN 2 HOURS
 - ▶ DOG OFF PROPERTY LEASHED AND/OR MUZZLED
 - ▶ DOG OUTDOORS ON OWNER'S PROPERTY LEASHED, MUZZLED, TIE-OUT, ENCLOSED AREA

REQUIREMENTS CONTINUED

- ▶ SPAYED/NEUTERED
- ▶ OWNER MUST NOTIFY OF MOVE
- ▶ OWNER CANNOT GIVE AWAY OR SELL DOG
- ▶ ACO EMPOWERED TO SEIZE AND IMPOUND DOG IF OWNER FAILS TO COMPLY WITH REQUIREMENTS. POLICE MAY OBTAIN SEARCH WARRANT.
- ▶ OWNER/KEEPER MAY LEAVE DOG UNDER CARE AND CONTROL OF SOMEONE OVER AGE OF 16

4-13.1-4

CONTROL OF VICIOUS DOGS

- ▶ ALL DOGS DECLARED VICIOUS SHALL BE CONFINED IN AN ENCLOSURE
- ▶ ONLY PERMITTED TO BE OUTSIDE OF DWELLING OR ENCLOSURE IF NECESSARY TO OBTAIN VETERINARY CARE OR COMPLY WITH DEMANDS OF ACO, OR COMPLY WITH PROVISIONS OF 4-13.1-3(a)(1) OR (a)(2).
- ▶ IN THIS EVENT, DOG MUST BE MUZZLED, LEASH OF MINIMUM TENSILE STRENGTH AND NOT EXCEEDING 3 FEET, AND UNDER DIRECT CONTROL AND SUPERVISION OF OWNER.

4-13.1-5

DOG FIGHTING/TRAINING/SELLING

- ▶ DOG FIGHTING PROHIBITED
- ▶ PROHIBITED TO SELL, BREED, BUY, ATTEMPT TO BUY A VICIOUS DOG
- ▶ RIGHT TO SEIZE AND PLACE IN CARE OF RISPCA
- ▶ RISPCA SHALL DETERMINE DISPOSITION

4-13.1-7

ACTION FOR DAMAGES

- ▶ SECOND BITE/CIVIL LAW
- ▶ IF ANY DOG DECLARED VICIOUS WHEN UNPROVOKED.....
 - ▶ KILLS, WOUNDS, ASSISTS IN KILLING OR WOUNDING DOMESTIC ANIMAL
 - ▶ ATTACKS, ASSAULTS, BITES, OR OTHERWISE INJURS A HUMAN BEING, OR ASSISTS IN....
 - ▶ OWNER OR KEEPER SHALL BE LIABLE IN CIVIL ACTION

4-13.1-8

EXEMPTIONS

- ▶ SECTIONS 4-13.1-3 - 4-13.1-7 SHALL NOT APPLY TO LICENSED KENNELS
- ▶ THIS CHAPTER SHALL NOT APPLY TO LAW ENFORCEMENT K-9

4-13.1-9

PENALTIES FOR VIOLATION

- ▶ ANY DOG DECLARED VICIOUS UNDER 4-13.1-11, WHOSE OWNER....
- ▶ FAILS TO SECURE INSURANCE
- ▶ FAILS TO MAINTAIN IN ENCLOSURE
- ▶ OUTSIDE DWELLING OR ENCLOSURE EXCEPT AS PROVIDED FOR
- ▶ NOT TATTOOED FOR MICROCHIPPED
- ▶ PROVIDED FURTHER, THAT IN ADDITION TO VIOLATIONS LISTED, IF ANY SECTION OF THIS CHAPTER DOES NOT SPECIFICALLY PROVIDE A PENALTY.....
- ▶ SHALL BE \$550 FOR FIRST OFFENSE AND \$1000 FOR ANY SUBSEQUENT VIOLATIONS

PENALTIES CONTINUED

- ▶ IF ANY DOG DECLARED VICIOUS WHEN UNPROVOKED.....
- ▶ KILLS, WOUNDS, OR WORRIES OR ASSISTS IN KILLING OR WOUNDING A DOMESTIC ANIMAL
- ▶ \$550 FOR FIRST OFFENSE AND \$1000 FOR ANY SUBSEQUENT
- ▶ ACO IS EMPOWERED TO CONFISCATE DOG AND HOLD FOR 5 DAYS, EXCLUDING SUNDAYS/HOLIDAYS, NOT INCLUDING TIMES SHELTER IS NOT OPEN TO PUBLIC AT LEAST ½ NORMAL BUSINESS HOURS.
- ▶ IF NOT RECLAIMED IN 5 DAYS, DOG MAY BE “DESTROYED”

PENALTIES CONTINUED

- ▶ IF ANY DOG DECLARED VICIOUS, WHEN UNPROVOKED....
- ▶ ATTACKS, ASSAULTS, WOUNDS, BITES OR OTHERWISE INJURES, KILLS OR SERIOUSLY INJURES A HUMAN BEING.
- ▶ \$1000 FINE AND \$1000 FINE FOR ANY SUBSEQUENT VIOLATIONS
- ▶ SAME HOLDING PERIOD REQUIREMENTS
- ▶ IN THE EVENT THE DOG KILLS A PERSON, THE DOG SHALL BE HUMANELY EUTHANIZED.
- ▶ ACO MAY GIVE UP TO 10 DAYS TO MEET PREVIOUSLY IMPOSED REQUIREMENTS.
- ▶ IF DOG SERIOUSLY INJURES A PERSON OR KILLS OR SERIOUSLY INJURES A DOMESTIC ANIMAL, DOG MAY BE HUMANELY EUTHANIZED UPON UNANIMOUS VOTE OF THE PANEL.

PENALTIES CONTINUED

- ▶ CITY ORDINANCE FEES FOR LICENSING ??
- ▶ OWNER OR KEEPER HAS RIGHT TO PETITION DISTRICT COURT IF THEY BELIEVE THERE HAS BEEN NO VIOLATION.
- ▶ PETITION SHALL BE FILED WITHIN 5 DAYS OF IMPOUNDMENT OF THE DOG.
- ▶ NOTICE SHALL BE SERVED WITHIN 5 DAYS OF IMPOUNDMENT UPON ACO OR KEEPER OF THE POUND.
- ▶ HEARING SHALL BE CONDUCTED WITHIN 14 DAYS FROM SERVING OF THE NOTICE.

4-13.1-10

LEGAL REGISTRATION DRIVES

- ▶ DUTY OF EACH CITY/TOWN TO CONDUCT ANNUAL LICENSING DRIVES IN ORDER TO ENSURE COMPLIANCE WITH THIS CHAPTER

4-13.1-11

DETERMINATION OF VICIOUS DOG

- ▶ “DOG OFFICER” OR LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE A DOG IS VICIOUS....EMPOWERED TO CONVENE A HEARING
- ▶ NOTIFY OWNER OR KEEPER OF THE DOG, AT WHICH TIME, HE/SHE MAY HAVE THE OPPORTUNITY TO PRESENT EVIDENCE WHY THE DOG SHOULD NOT BE DECLARED VICIOUS.
- ▶ HEARING SHALL BE HELD PROMPTLY WITHIN NO LESS THAN 5 DAYS, NOR MORE THAN 10 DAYS AFTER SERVICE OF NOTICE UPON OWNER OR KEEPER
- ▶ HEARING SHALL BE **INFORMAL** AND OPEN TO THE PUBLIC

DETERMINATION CONTINUED

- ▶ CONDUCTED BY A PANEL OF THREE PERSONS:
 - ▶ CHIEF OR POLICE OR HIS/HER DESIGNEE
 - ▶ EXECUTIVE DIRECTOR OF THE RISPCA OR HIS/HER DESIGNEE
 - ▶ PERSON CHOSEN BY THE CHIEF OF POLICE AND EXECUTIVE DIRECTOR
 - ▶ ALL PANEL MEMBERS HAVE ONE VOTE IN MAKING A DETERMINATION WHETHER OR NOT DOG IS VICIOUS
 - ▶ HEARING OFFICERS SHALL HAVE IMMUNITY

DETERMINATION CONTINUED

- ▶ AFTER HEARING, OWNER/KEEPER SHALL BE NOTIFIED IN WRITING OF DETERMINATION
- ▶ OWNER/KEEPER SHALL COMPLY WITH A TIME SCHEDULE ESTABLISHED BY THE ACO OR POLICE CHIEF, BUT IN NO CASE, MORE THAN 30 DAYS FROM DETERMINATION
- ▶ OWNER/KEEPER MAY CONTEST DETERMINATION WITHIN 5 DAYS AND BRING PETITION TO DISTRICT COURT.
- ▶ HEARING SHALL THEN BE CONDUCTED WITHIN 7 DAYS OF SERVICE UPON ACO OR POLICE
- ▶ ISSUE SHALL BE DECIDED UPON THE PREPONDERANCE OF THE EVIDENCE

DETERMINATION CONTINUED

- ▶ THE COURT MAY DECIDE ALL ISSUES AGAINST THE OWNER/KEEPER REGARDLESS OF THEIR PRESENCE AT THE HEARING
- ▶ ACO MAY IMPOUND DOG PENDING HEARING

4-13.1-12

UNIFORM SUMMONS

- ▶ THE ATTORNEY GENERAL SHALL ESTABLISH A UNIFORM SUMMONS OR CITATION TO BE USED BY STATE AND MUNICIPAL LAW ENFORCEMENT AGENCIES IN ENFORCEMENT OF THIS CHAPTER
- ▶ FINES OF \$100 OR LESS MAY BE PAID BY MAIL
- ▶ ALL OTHER FINES OR PENALTIES SHALL REQUIRE A COURT APPEARANCE.

4-13.1-13

LIABILITY OF PARENTS

- ▶ PARENT/GUARDIAN OR MINOR LIABLE IN THE EVENT THE OWNER/KEEPER OF VICIOUS DOG IS A MINOR.

4-13.1-14 SEVERABILITY



4-13.1-15

OWNER OR GUARDIAN

- ▶ OWNER AND GUARDIAN SHALL BE INTERCHANGED

4-13.1-16

BREED SPECIFIC LEGISLATION

- ▶ NO CITY OR TOWN SHALL ENACT ANY RULE, REGULATION OR ORDINANCE SPECIFIC TO ANY BREED OF DOG OR CAT.