

ENGROSSED SENATE
BILL NO. 855

By: Milacek of the Senate
and
Reese of the House

An Act relating to animals; amending 4 O.S. 1991, Sections 43 and 44, which relate to dangerous dogs; deleting population restrictions; modifying definition; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 4 O.S. 1991, Section 43, is amended to read as follows:

The board of county commissioners of any county ~~with a population of two hundred thousand (200,000) or more according to the last Federal Decennial Census~~ may regulate or prohibit the running at large of dogs within said county, and cause such dogs as may be running at large to be impounded and disposed of as otherwise provided for by law or sold to discharge the costs and penalties provided for the violation of such prohibition and the expense of impounding and keeping the same for such sale; and may also provide for the erection of all needful pens, pounds and buildings for the use of said county at any place within ~~said~~ the county. It shall be the duty of the board of county commissioners of any county undertaking the regulation and taxation of dogs in ~~said~~ the county under this act to establish and enforce rules governing the same, and they shall enter into a definite cooperative agreement with the sheriff of ~~said~~ the county prescribing ~~said~~ the rules and regulations and the manner and terms of enforcement thereof, and for the financing and compensation therefor. The board of county commissioners may also regulate and provide for taxing the owners and harborers of dogs, and authorize the humane killing or disposal

of dogs, found at large, contrary to any ordinance regulating the same. Any person, firm or corporation who violates any rule or regulation made by such board of county commissioners under the authority of this act shall be guilty of a misdemeanor and shall be punished as provided by the laws of this state in any court of competent jurisdiction, provided that in the case of continuing offenses, each day on which the offense occurs shall constitute a separate offense.

SECTION 2. AMENDATORY 4 O.S. 1991, Section 44, is amended to read as follows:

Section 44. As used in ~~this act~~ Section 44 et seq. of this title:

1. "Potentially dangerous dog" means any dog that:
 - a. when unprovoked inflicts bites on a human either on public or private property, or
 - b. when unprovoked kills a domestic farm animal such as a cow, sheep or pig, either on public or private property.
2. "Dangerous dog" means any dog that:
 - a. has inflicted severe injury on a human being without provocation on public or private property, or
 - b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, or
 - c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter kills a domestic farm animal such as a cow, sheep or pig.

3. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery;

4. "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog;

5. "Animal control authority" means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county and state and the shelter and welfare of animals;

6. "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding the enforcement of this act or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal; and

7. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 6th day of March, 2000.

President of the Senate

Passed the House of Representatives the ____ day of _____,
2000.

Speaker of the House of
Representatives