

SB 855

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THE STATE SENATE
Monday, February 28, 2000

Senate Bill No. 855
As Amended

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 restriction**; modifying definitions; 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:

Section 43. 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~~ the county. It shall be the duty of the board of county commissioners of any county undertaking the regulation and taxation of dogs in

1 ~~said~~ the county under this act to establish and enforce rules
2 governing the same, and they shall enter into a definite cooperative
3 agreement with the sheriff of ~~said~~ the county prescribing ~~said~~ the
4 rules and regulations and the manner and terms of enforcement
5 thereof, and for the financing and compensation therefor. The board
6 of county commissioners may also regulate and provide for taxing the
7 owners and harborers of dogs, and authorize the humane killing or
8 disposal of dogs, found at large, contrary to any ordinance
9 regulating the same. Any person, firm or corporation who violates
10 any rule or regulation made by such board of county commissioners
11 under the authority of this act shall be guilty of a misdemeanor and
12 shall be punished as provided by the laws of this state in any court
13 of competent jurisdiction, provided that in the case of continuing
14 offenses, each day on which the offense occurs shall constitute a
15 separate offense.

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

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

- 20 1. "Potentially dangerous dog" means any dog that:
- 21 a. when unprovoked inflicts bites on a human either on
22 public or private property, or

1 **b.** when unprovoked kills a domestic farm animal such as a
2 cow, sheep or pig, either on public or private
3 property.

4 2. "Dangerous dog" means any dog that:

5 a. has inflicted severe injury on a human being without
6 provocation on public or private property, or

7 b. has been previously found to be potentially dangerous,
8 the owner having received notice of such by the animal
9 control authority in writing and the dog thereafter
10 aggressively bites, attacks, or endangers the safety
11 of humans~~;~~, or

12 **c.** has been previously found to be potentially dangerous,
13 the owner having received notice of such by the animal
14 control authority in writing and the dog thereafter
15 kills a domestic farm animal such as a cow, sheep or
16 pig.

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

20 4. "Proper enclosure of a dangerous dog" means, while on the
21 owner's property, a dangerous dog shall be securely confined indoors
22 or in a securely enclosed and locked pen or structure with at least
23 one hundred fifty (150) square feet of space for each dog kept

1 therein which is over six (6) months of age, and which is suitable
2 to prevent the entry of children and designed to prevent the animal
3 from escaping. Such pen or structure shall have secure sides and a
4 secure top, and shall also provide protection from the elements for
5 the dog;

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

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

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

21 SECTION 3. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 2-24-00 - DO PASS,
4 As Amended and Coauthored.