

By: Simmons

To: Judiciary

SENATE BILL NO. 2012

1 AN ACT TO CODIFY THE OFFENSE OF ALLOWING A DOG TO BITE OR
2 ATTACK A PERSON ON PROPERTY OTHER THAN THAT OF THE OWNER; TO ENACT
3 LEVELS OF OFFENSES; TO SPECIFY PUNISHMENTS THEREFOR; TO AMEND
4 SECTION 41-53-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. The following shall be codified as Section
8 41-53-15, Mississippi Code of 1972:

9 41-53-15. (1) It shall be unlawful for the owner of a dog
10 to fail to take reasonable steps to restrain the dog if:

11 (a) The dog enters property other than the property of
12 the dog's owner; and

13 (b) While on property other than the property of the
14 dog's owner, the dog bites or attacks another person resulting in
15 unprovoked bodily injury to the other person.

16 (2) Where a violation under this section does not result in
17 the death or serious bodily injury of a person, the offender shall
18 be fined in a sum not to exceed Two Hundred Dollars (\$200.00) upon
19 conviction for a first offense; upon conviction for a second or
20 subsequent such offense, the offender shall be fined in a sum not
21 to exceed Two Thousand Dollars (\$2,000.00) and imprisoned in the
22 county jail for a term not to exceed thirty (30) days.

23 (3) Where the violation results in the death of a person,
24 the violation shall be a felony, and upon conviction thereof, the
25 offender shall be sentenced to the custody of the State Department
26 of Corrections for a term not to exceed ten (10) years.

27 (4) Where the violation results in serious bodily injury to
28 a person, the violation shall be a felony, and upon conviction
29 thereof, the offender shall be sentenced to the custody of the
30 State Department of Corrections for a term not to exceed five (5)
31 years.

32 (5) This section shall not apply where the dog is owned by
33 the United States, an agency of the United States or another
34 governmental entity if the dog is engaged in assisting in the
35 performance of law enforcement or military duties.

36 SECTION 2. Section 41-53-13, Mississippi Code of 1972, is
37 amended as follows:

38 41-53-13. Except as provided in Section 41-53-15, the
39 failure or refusal of any person to comply with any of the
40 provisions of this chapter shall constitute a misdemeanor, and the
41 offender shall, on conviction thereof, be fined for the first
42 offense in a sum not to exceed Five Dollars (\$5.00) and for the
43 second offense in a sum not to exceed Twenty-five Dollars (\$25.00)
44 and for the third offense a sum not to exceed Fifty Dollars
45 (\$50.00), together with all costs. It shall be the duty of the
46 sheriffs, conservation officers and all peace officers of the
47 counties and municipalities of Mississippi to enforce this
48 chapter. It shall be the duty of the county attorneys and
49 district attorneys of this state to prosecute all violators of
50 this chapter.

51 SECTION 3. This act shall take effect and be in force from
52 and after July 1, 2000.