

By: Representative Fleming

To: Judiciary B

HOUSE BILL NO. 163

1 AN ACT TO PROHIBIT DEBARKING OR SURGICALLY SILENCING A
 2 VICIOUS DOG; TO PROHIBIT THE POSSESSION OF A DEBARKED OR
 3 SURGICALLY SILENCED VICIOUS DOG; TO REQUIRE A VETERINARIAN TO
 4 OBTAIN A WRITTEN WAIVER FROM THE OWNER OF THE DOG ATTESTING THAT
 5 THE DOG IS NOT A VICIOUS DOG; TO PROHIBIT FALSELY ATTESTING ON A
 6 WRITTEN WAIVER FORM BEFORE HAVING A DOG DEBARKED OR SURGICALLY
 7 SILENCED THAT THE DOG IS NOT A VICIOUS DOG; TO PROVIDE AN
 8 AFFIRMATIVE DEFENSE TO THE PROHIBITIONS CREATED BY THE ACT FOR A
 9 VETERINARIAN WHO OBTAINS A WRITTEN WAIVER BEFORE A DOG IS DEBARKED
 10 OR SURGICALLY SILENCED; TO PROVIDE A PENALTY FOR VIOLATION OF THIS
 11 SECTION; AND FOR RELATED PURPOSES.

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

13 SECTION 1. (1) For purposes of this section the following
 14 definitions shall apply:

15 (a) "Vicious dog" means a dog that, without
 16 provocation, meets the following:

17 (i) Has killed or caused serious injury to any
 18 person;

19 (ii) Has caused injury, other than killing or
 20 serious injury, to any person or has killed another dog; or

21 (iii) Belongs to a breed that is commonly known as
 22 a pit bull dog.

23 (b) "Vicious dog" does not include either of the
 24 following:

25 (i) A police dog that has killed or caused serious
 26 injury to any person or that has caused injury, other than killing
 27 or serious injury, to any person while the police dog is being
 28 used to assist one or more law enforcement officers in the
 29 performance of their official duties;

30 (ii) A dog that has killed or caused serious
 31 injury to any person while a person was committing or attempting



32 to commit a trespass or other criminal offense on the property of
33 the owner or keeper of the dog.

34 (c) "Without provocation" means that a dog was not
35 teased, tormented or abused by a person, or that the dog was
36 coming to the aid or the defense of a person who was not engaged
37 in illegal or criminal activity and who was not using the dog as a
38 means of carrying out such activity.

39 (2) No veterinarian shall debark or surgically silence a dog
40 that he knows or has reason to believe is a vicious dog.

41 (3) No person shall possess a vicious dog if the person
42 knows or has reason to believe that the dog has been debarked or
43 surgically silenced.

44 (4) Before debarking or surgically silencing a dog, a
45 veterinarian must obtain a written waiver signed by the owner of
46 the dog attesting that the dog is not a vicious dog.

47 (5) No person shall falsely attest on a waiver form provided
48 by the veterinarian that the person's dog is not a vicious dog or
49 otherwise provide false information on that written waiver form.

50 (6) It is an affirmative defense to a charge of a violation
51 of subsection (2) of this section that the veterinarian who is
52 charged with the violation obtained, before debarking or
53 surgically silencing the dog, a written waiver form.

54 (7) Except as otherwise provided by subsection (6) of this
55 section, any person who violates subsection (2), (3), (4) or (5)
56 of this section is guilty of a misdemeanor and, upon conviction
57 may be fined not less than Twenty-five Dollars (\$25.00) and not
58 more that One Hundred Dollars (\$100.00).

59 SECTION 2. This act shall take effect and be in force from
60 and after July 1, 2001.

