HOUSE BILL NO. 163

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

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

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

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

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

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

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

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

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

(ii) A dog that has killed or caused serious injury to any person while a person was committing or attempting
to commit a trespass or other criminal offense on the property of
the owner or keeper of the dog.

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

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

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

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

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

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

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

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