

By: Representative Fleming

To: Judiciary B

HOUSE BILL NO. 102

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.

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

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

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

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

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

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

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

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

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

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

57 **SECTION 2.** This act shall take effect and be in force from
58 and after July 1, 2004.