

By: Representatives Bain, Carpenter, Byrd

To: Judiciary B

HOUSE BILL NO. 80

1 AN ACT TO PROVIDE PENALTIES FOR ANY PERSON WHO INTENTIONALLY
 2 OR NEGLIGENTLY CAUSES A DOG TO BITE, WOUND OR INFLICT INJURY UPON
 3 ANOTHER PERSON; TO PROVIDE PENALTIES FOR ANY DOG OWNER OR PERSON
 4 RESPONSIBLE FOR A DOG WHICH HAS A HISTORY OF BITING OR PROPENSITY
 5 TO BITE AND NEGLIGENTLY ALLOWS THE DOG TO ESCAPE OR INJURE ANOTHER
 6 PERSON; TO PROVIDE ENHANCED PENALTIES IF INJURIES CAUSED IN
 7 VIOLATION OF THIS ACT RESULT IN DEATH OR MUTILATION; TO AUTHORIZE
 8 CIVIL REMEDIES FOR ANY PERSON HARMED IN VIOLATION OF THIS ACT; AND
 9 FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) Any person who intentionally or with
 12 criminal negligence causes any dog to bite, wound, or inflict
 13 physical injury on a human being shall be guilty of a felony,
 14 fined not less than One Thousand Dollars (\$1,000.00) nor more than
 15 Five Thousand Dollars (\$5,000.00), or imprisoned in the custody of
 16 the Department of Corrections for not more than three (3) years,
 17 or both.

18 (2) An owner or person who is responsible for the care of a
 19 dog that knows or has reason to know that the dog has a history of
 20 biting, has a propensity to cause injury or to otherwise endanger
 21 the safety of human beings without provocation or has been found



22 by a court of competent jurisdiction to be vicious and dangerous;
23 and such person does not take reasonable care to prohibit the dog
24 from escaping to the outside of a residence or enclosed area, yard
25 or structure shall be guilty of a misdemeanor, and upon
26 conviction, fined not more than One Thousand Dollars (\$1,000.00),
27 or imprisoned in the county jail not more than six (6) months, or
28 both. If such dog bites, inflicts physical injury or attacks a
29 human being, the owner or responsible person shall be guilty of a
30 felony, and upon conviction, fined not less than One Thousand
31 Dollars (\$1,000.00), nor more than Five Thousand Dollars
32 (\$5,000.00), or imprisoned in the custody of the Department of
33 Corrections up to three (3) years, or both.

34 (3) Any person who is convicted of a second or subsequent
35 offense in violation of subsections (1) or (2), the offenses being
36 committed within a period of five (5) years, shall be guilty of a
37 felony, and upon conviction, fined not more than Ten Thousand
38 Dollars (\$10,000.00), or imprisoned in the custody of the
39 Department of Corrections not more than ten (10) years, or both.

40 (4) If the physical injury that results from violations of
41 subsection (1) or (2) of this act causes the death of another or
42 mutilates, disfigures, permanently disables or destroys the
43 tongue, eye, lip, nose or any other limb, organ or member of
44 another, the person who is in violation, shall, upon conviction,
45 be guilty of a separate felony for each victim who suffers death,
46 mutilation, disfigurement or other injury and shall be committed



47 to the custody of the State Department of Corrections for a period
48 of time of not less than five (5) years, nor more than twenty-five
49 (25) years for each death, mutilation, disfigurement or other
50 injury, and the imprisonment for the second or each subsequent
51 conviction, in the discretion of the court, shall commence either
52 at the termination of the imprisonment for the preceding
53 conviction or run concurrently with the preceding conviction. Any
54 person charged with causing the death of another as described in
55 this subsection shall be required to post bail before being
56 released after arrest.

57 (5) Whenever an owner or keeper of a dog is charged with a
58 violation of this act, a law enforcement officer or animal control
59 officer may confine the dog until such time as evidence has been
60 heard and a verdict rendered. The court, through its contempt
61 powers, may compel the owner, custodian of the dog to produce or
62 confine the dog. Any person who refuses or fails to comply with
63 this subsection (5) shall be guilty of a misdemeanor. Upon
64 conviction under this act, the offender shall be punished as
65 follows:

66 (a) For a first offense, by a fine not to exceed Five
67 Hundred Dollars (\$500.00) or imprisonment in the county jail for
68 not more than three (3) months, or both.

69 (b) For a second offense, by a fine not to exceed One
70 Thousand Dollars (\$1,000.00) or imprisonment in the county jail
71 for not more than six (6) months, or both.



72 (c) For a third or subsequent offense, by a fine not to
73 exceed Five Thousand Dollars (\$5,000.00) or imprisonment in the
74 county jail for not more than one (1) year, or both.

75 (6) (a) A civil action for damages may be brought for the
76 violation of any provision of this section.

77 (b) Any person who is injured because of another
78 person's violation of the provisions of this section may commence
79 a civil action. Upon a finding that a person violated the
80 provisions of this section, the aggrieved party shall be entitled
81 to recover threefold the actual damages, including pain and
82 suffering. These damage remedies shall be cumulative, and not
83 exclusive of other remedies afforded under any other state or
84 federal law.

85 **SECTION 2.** This act shall take effect and be in force from
86 and after July 1, 2021.

