

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 530

1 AN ACT TO PROVIDE A PROCESS FOR ANY PERSON TO FILE A  
 2 DANGEROUS DOG COMPLAINT WITH MUNICIPAL OR COUNTY LAW ENFORCEMENT  
 3 WHEN A DOG BITES, CAUSES PHYSICAL INJURY OR DEATH TO ANY PERSON;  
 4 TO AMEND SECTION 97-41-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
 5 HUMANE EUTHANASIA FOR DOGS DECLARED DANGEROUS; TO AMEND SECTION  
 6 41-53-11, MISSISSIPPI CODE OF 1972, TO INCREASE THE FINE FOR DOGS  
 7 FOUND RUNNING AT LARGE; TO AMEND SECTION 21-19-9, MISSISSIPPI CODE  
 8 OF 1972, TO CLARIFY THE AUTHORITY OF MUNICIPALITIES TO REGULATE  
 9 DANGEROUS DOGS; TO AMEND SECTION 97-3-45, MISSISSIPPI CODE OF  
 10 1972, TO CONFORM THE PROVISION OF LAW THAT PROVIDES FOR ANIMALS  
 11 THAT KILL HUMAN BEINGS; TO BRING FORWARD SECTION 19-5-50,  
 12 MISSISSIPPI CODE OF 1972, WHICH PROVIDES CERTAIN POWERS TO CERTAIN  
 13 MUNICIPALITIES REGARDING DANGEROUS DOGS; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) (a) Any person may file a dangerous dog  
 16 complaint with a municipal law enforcement officer or county  
 17 sheriff, whichever is applicable, when a dog has bitten, caused  
 18 physical injury or death to the person or to any other person.  
 19 The complaint shall be filed as a sworn statement and shall state  
 20 the name of the dog owner, if known, the location where the dog is  
 21 being kept or was last seen in the municipality or county, and the  
 22 reason he or she believes the dog to be dangerous.



23           (b) No later than fifteen (15) days from receiving such  
24 complaint, the municipal law enforcement officer or county sheriff  
25 shall deliver the complaint to an employee of the agency or  
26 department that is charged with the control or welfare of dogs or  
27 cats within the municipality or county. The agency or department  
28 that is charged with the control or welfare of dogs or cats shall  
29 conduct an investigation to determine whether the dog is  
30 dangerous. When the complaint alleges that a dog has caused  
31 serious physical injury or death to a person, the duties of the  
32 agency or department, including, but not limited to the  
33 investigation, shall be carried out by a municipal or county law  
34 enforcement officer, whichever is applicable.

35           (2) (a) If a dangerous dog investigation leads an agency,  
36 department or officer to believe the sworn statement is true, all  
37 of the following shall occur:

38                   (i) The agency or department shall file a summons  
39 for the owner of the dog, if known, with the municipal court or  
40 county court;

41                   (ii) The dog in question shall be impounded by the  
42 county or municipality. A county or municipality may enter into  
43 an agreement with an animal shelter or licensed veterinarian to  
44 impound the dog; provided, however, the owner of the dog shall be  
45 provided the opportunity to choose a veterinarian to impound the  
46 dog in lieu of the county pound or animal shelter. If the dog is  
47 impounded with a veterinarian chosen by the owner of the dog, the



48 owner of the dog shall be liable to the veterinarian for all costs  
49 to impound, feed, and provide veterinary care or treatment. If  
50 the county or municipality impounds the dog, the owner of the dog  
51 shall be liable to the county or municipality for the costs and  
52 expenses incurred in impounding, feeding, and providing veterinary  
53 care or treatment to the dog; and

54 (iii) The agency or department shall send a copy  
55 of the investigation report to the county attorney, municipal  
56 attorney, or municipal prosecutor.

57 (b) If the dangerous dog investigation leads the agency  
58 or department to conclude that the allegations in the complaint  
59 are unfounded, the agency or department shall advise the  
60 complainant of his or her findings and shall submit the results of  
61 the investigation to the person who filed the complaint.

62 (c) At any time before or during an investigation, the  
63 owner of the dog may consent to the dog being humanely euthanized.

64 (d) A copy of all investigations made pursuant to this  
65 section shall be kept on file in the municipal law enforcement's  
66 office or sheriff's office, as applicable. The agency or  
67 department shall maintain a record of the investigation for no  
68 less than ten (10) years.

69 (3) Upon receiving the results of an investigation described  
70 in subsection (2) of this section, the county attorney, municipal  
71 attorney, or municipal prosecutor shall file a petition in court  
72 to declare the dog that caused physical injury or death to a



73 person in the jurisdiction of the county or municipality  
74 dangerous. The owner of the dog, if known, shall be served with a  
75 copy of the petition.

76 (4) The owner of a dog that is the subject of an  
77 investigation described in this section is prohibited from  
78 relocating the dog or transferring ownership of the dog during or  
79 after the investigation unless specifically authorized by the  
80 court.

81 (5) (a) The court hearing shall be held as soon as  
82 practicable. At the hearing, the county attorney, municipal  
83 attorney, or municipal prosecutor shall present evidence that the  
84 dog is dangerous. To declare the dog dangerous, the court shall  
85 find by reasonable satisfaction that the dog bit, attacked, or  
86 caused physical injury or death to a person without justification.

87 (b) If the court determines that the dog is dangerous  
88 and has caused physical injury or death to a person, the court  
89 shall order the dog to be humanely euthanized by a licensed  
90 veterinarian or an authorized animal control official.

91 (c) If the court determines that the dog is dangerous,  
92 but has not caused serious physical injury or death to a person,  
93 the court shall determine whether the dog has a propensity to  
94 cause future serious physical injury or death. If the court  
95 determines by reasonable satisfaction that the dog has such a  
96 propensity, the court may order the dog to be humanely euthanized  
97 by a licensed veterinarian or an authorized animal control officer



98 or the court may order the dog be returned to its owner pursuant  
99 to all of the following conditions:

100 (i) The dog shall be held in an impound until the  
101 owner complies with all orders of the court, but if the owner  
102 fails to comply with all orders of the court within thirty (30)  
103 days of the court's order, the dog shall be humanely euthanized;

104 (ii) The dangerous dog shall be microchipped;

105 (iii) The owner of the dangerous dog shall provide  
106 a copy of the certificate of the current rabies vaccination of the  
107 dog;

108 (iv) The dangerous dog shall be spayed or  
109 neutered;

110 (v) The owner of the dangerous dog shall be  
111 required to pay all expenses involved with the investigation,  
112 pickup, and impoundment, and any court costs or fees related to  
113 the hearing to determine whether the dog is dangerous;

114 (vi) The owner of the dangerous dog shall be  
115 required to pay: an annual dangerous dog registration fee of One  
116 Hundred Dollars (\$100.00) to the county or municipality for each  
117 dog deemed dangerous with the first payment being required within  
118 two (2) weeks after the court declares the dog dangerous. If the  
119 owner fails to register the dangerous dog and pay the fee  
120 described in this paragraph, the county or municipality shall  
121 assess a penalty of One Hundred Dollars (\$100.00) for each week  
122 after the owner was required to register and pay the fee; and



123 (vii) The owner shall be required to obtain a  
124 surety bond of at least One Hundred Thousand Dollars (\$100,000.00)  
125 and shall provide proof to the court or animal control office. The  
126 surety bond shall provide coverage for dog bites, injuries, or  
127 death caused by the dog. The owner shall provide proof of the  
128 surety bond each time the annual dangerous dog registration fee is  
129 paid. The owner of the dangerous dog shall provide proof to the  
130 court that he or she has constructed a proper enclosure for a  
131 dangerous dog.

132 (9) The pleading and practice in all cases to petition the  
133 court to declare a dog to be dangerous under this section shall be  
134 performed in accordance with the Mississippi Rules of Civil  
135 Procedure.

136 (10) It shall be presumed that a dog is not a dangerous dog  
137 pursuant to this section if the dog was on property owned by the  
138 owner of the dog when the event subject to a claim under this  
139 section occurred or if the victim was trespassing on any property  
140 when the event subject to the complaint under this section  
141 occurred.

142 **SECTION 2.** Section 97-41-3, Mississippi Code of 1972, is  
143 amended as follows:

144 97-41-3. (1) Any sheriff, constable, policeman, or agent of  
145 a society for the prevention of cruelty to animals may kill, or  
146 cause to be killed, any animal other than a dog or cat found  
147 neglected or abandoned, if in the opinion of three (3) respectable



148 citizens it is injured or diseased past recovery, or by age has  
149 become useless.

150 (2) (a) After all reasonable attempts have been made to  
151 locate the legal owner of a dog or cat that is found maimed,  
152 wounded, injured or diseased, the dog or cat may be euthanized, or  
153 caused to be euthanized, by:

154 (i) A law enforcement officer;

155 (ii) A veterinarian licensed in Mississippi;

156 (iii) An employee of an agency or department of a  
157 political subdivision that is charged with the control or welfare  
158 of dogs or cats within the subdivision; or

159 (iv) An employee or agent of an organization that  
160 has the purpose of protecting the welfare of or preventing cruelty  
161 to dogs or cats and that possesses nonprofit status under the  
162 United States Internal Revenue Code.

163 (b) The provisions of this subsection (2) shall not be  
164 construed to prevent the immediate euthanasia by the persons  
165 enumerated in this subsection or by any other person, if it is  
166 necessary to prevent unrelievable suffering of the dog or cat.

167 (3) Any person acting in good faith and without malice  
168 pursuant to this section shall be immune from civil and criminal  
169 liability for that action.

170 (4) Any sheriff, constable, policeman, or agent of a society  
171 for the prevention of cruelty to animals may humanely euthanize



172 any dog declared dangerous under the provisions of Section 1 of  
173 this act.

174 **SECTION 3.** Section 41-53-11, Mississippi Code of 1972, is  
175 amended as follows:

176 41-53-11. (1) It shall be lawful and it shall be \* \* \* the  
177 duty for any sheriff, conservation officer or peace officer of a  
178 county or municipality to kill any dog above the age of three (3)  
179 months found running at large on whose neck there is no such  
180 collar and tag. No action shall be maintained by the owner for  
181 such killing. However, it shall be the duty of \* \* \* the officer  
182 who finds a dog or dogs running at large to first keep \* \* \* the  
183 dog or dogs for a period of five (5) days, unless the dog is  
184 declared dangerous, and notify the sheriff of said county that he  
185 has \* \* \* the dog or dogs, giving the sheriff a description of  
186 same. If anyone proves himself or herself to be the owner  
187 of \* \* \* the dog or dogs, he or she shall pay \* \* \* a fine of One  
188 Hundred Dollars (\$100.00) before the dog is delivered to the  
189 owner.

190 (2) It shall be the duty of any sheriff, conservation  
191 officer or peace officer of a county or municipality to kill or  
192 otherwise destroy any and all dogs above the age of three (3)  
193 months which are running at large and have not been inoculated  
194 (vaccinated) as required in this chapter.

195 **SECTION 4.** Section 21 19 9, Mississippi Code of 1972, is  
196 amended as follows:





197           21 19 9. (1) The governing authorities of municipalities  
198 shall have the power to prevent or regulate the running at large  
199 of animals of all kinds, and to cause such as may be running at  
200 large to be impounded and sold to discharge the costs and  
201 penalties provided for the violation of such regulations and the  
202 expense of impounding and keeping and selling the same; to  
203 regulate and provide for the taxing of owners and harborers of  
204 dogs, and to destroy dogs running at large, unless such dogs have  
205 proper identification indicating that said dogs have been  
206 vaccinated for rabies; and to provide for the erection of all  
207 needful pens, pounds and buildings for the use of the  
208 municipality, within or without the municipal limits, and to  
209 appoint and confirm keepers thereof, and to establish and enforce  
210 rules governing the same.

211           The governing authorities of municipalities may enter into  
212 pacts, agreements or contracts with other municipalities to  
213 provide for cooperation in the use or erection of all pens, pounds  
214 and buildings to prevent or regulate the running at large of  
215 animals of all kinds.

216           (2) The governing authorities of municipalities shall have  
217 the power to regulate dangerous dogs in compliance with Section 1  
218 of this act.

219

220           **SECTION 5.** Section 97-3-45, Mississippi Code of 1972, is  
221 amended as follows:



222 97-3-45. (1) If the owner of a mischievous animal, knowing  
223 its propensity, \* \* \* willfully suffer it to go at large, or shall  
224 keep it without ordinary care, and such animal, while so at large,  
225 or not confined, kill any human being who shall have taken  
226 reasonable precautions to avoid the animal, such owner shall be  
227 guilty of manslaughter.

228 (2) If the animal described in subsection (1) of this  
229 section is a dog, it shall be declared dangerous as provided in  
230 Section 1 of this act.

231 **SECTION 6.** Section 19-5-50, Mississippi Code of 1972, is  
232 brought forward as follows:

233 19-5-50. (1) The governing authorities of any county  
234 bordering on the Gulf of Mexico and having within its boundaries  
235 two cities having in excess of forty thousand (40,000) population  
236 each, according to the 1970 United States decennial census and of  
237 any county bordering on the Pearl River having two (2) judicial  
238 districts, wherein is housed the seat of state government, wherein  
239 U. S. Interstates 55 and 20 interchange and having a population in  
240 excess of two hundred thousand (200,000), according to the 1970  
241 federal decennial census, shall have the power to prevent or  
242 regulate the running at large of animals of all kinds, and to  
243 cause such as may be running at large to be impounded and sold to  
244 discharge the costs and penalties provided for the violation of  
245 such regulations and the expense of impounding and keeping and  
246 selling the same; to regulate and provide for the taxing of owners



247 and harborers of dogs, and to destroy dogs running at large,  
248 unless such dogs have proper identification indicating that said  
249 dogs have been vaccinated for rabies; and to provide for the  
250 erection of all needful pens, pounds, and buildings for the use of  
251 the county, and to appoint and confirm keepers thereof, and to  
252 establish and enforce rules governing the same.

253 (2) The governing authorities of any county bordering on the  
254 Gulf of Mexico and having within its boundaries two (2) cities  
255 having in excess of forty thousand (40,000) population each,  
256 according to the 1970 federal decennial census, and of any county  
257 bordering on the Gulf of Mexico and the State of Alabama in which  
258 there is a shipyard which constructs oceangoing vessels, and any  
259 county bordering on the Gulf of Mexico and the State of Louisiana  
260 and through which U.S. Interstate Highway 10 runs, shall have the  
261 power to prevent or regulate the running at large of animals of  
262 all kinds, and to cause such as may be running at large to be  
263 impounded and sold to discharge the costs and penalties provided  
264 for the violation of such regulations and the expense of  
265 impounding and keeping and selling the same; to regulate and  
266 provide for the taxing of owners and harborers of dogs, and to  
267 destroy dogs running at large unless such dogs have proper  
268 identification indicating that said dogs have been vaccinated for  
269 rabies; and to provide for the erection of all needful pens,  
270 pounds and buildings for the use of the county, and to appoint and



271 confirm keepers thereof, and to establish and enforce rules  
272 governing the same.

273           **SECTION 7.** This act shall take effect and be in force from  
274 and after July 1, 2023.

