

By: Representative Newman

To: Judiciary B

HOUSE BILL NO. 204

1 AN ACT TO CREATE THE MISSISSIPPI DANGEROUS DOG CONTROL ACT;
2 TO DEFINE "DANGEROUS DOG" AND OTHER TERMS USED IN THIS ACT; TO
3 ESTABLISH EXCEPTIONS TO WHEN A DOG MAY BE DEEMED TO BE DANGEROUS;
4 TO CREATE THE MISDEMEANOR OFFENSE OF FAILURE TO CONTROL A
5 DANGEROUS DOG; TO ESTABLISH PENALTIES FOR VIOLATIONS OF THIS ACT;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** This act shall be known and may be cited as the
9 "Mississippi Dangerous Dog Control Act."

10 **SECTION 2.** As used in this act, the following words and
11 phrases have the meanings ascribed in this section unless the
12 context clearly indicates otherwise:

13 (a) "Companion animal" means a domestic dog or cat with
14 current rabies vaccination or a service animal.

15 (b) "Confine" means to keep a dangerous dog in an
16 enclosure from which the dog cannot escape.

17 (c) "Dangerous dog" means a canine or canine crossbreed
18 that, when unprovoked, has bitten, attacked or inflicted serious
19 injury on a human being or companion animal or killed a companion
20 animal.



21 (d) "History of attack" means a dog that has inflicted,
22 on at least one (1) occasion, a severe injury on a human being
23 without provocation on public or private property, or a dog that
24 has killed or inflicted severe injury on a companion animal
25 without provocation while off the property of the owner or keeper
26 of the dog.

27 (e) "Keeper" means a person who feeds or provides water
28 to a dog on a regular basis or allows a dog to remain on the
29 person's property on a regular basis.

30 (f) "Restrain" means to keep a dangerous dog on a leash
31 when the dog is outside of an enclosure.

32 (g) "Severe injury" means an injury inflicted by a
33 canine or canine crossbreed upon a person or companion animal
34 which consists of an attack of more than a single nip or bite that
35 results in:

36 (i) A puncture wound or other injury that is more
37 than a scratch, minor abrasion or other minor injury on a human
38 being; or

39 (ii) Death or a puncture wound or other serious
40 injury that is more than a scratch, minor abrasion or other minor
41 injury on a companion animal.

42 (h) "Unprovoked" means action by a dog that includes
43 biting, attacking or forcibly coming into unwanted physical
44 contact with a person who is acting peaceably and lawfully or a
45 companion animal that is acting peaceably and lawfully.



46 **SECTION 3.** (1) A dog may not be deemed to be a dangerous
47 dog solely because the dog is a particular breed unless otherwise
48 provided by law in Section 49-8-7. This act does not prohibit the
49 ownership of any particular breed of dog.

50 (2) A dog may not be deemed to be a dangerous dog if the
51 threat, injury or damage by the dog was sustained by a person who:

52 (a) Was committing, at the time of the threat, injury
53 or damage, a crime upon the premises occupied by the dog's keeper,
54 owner or custodian;

55 (b) Was committing, at the time of the threat, injury
56 or damage, a willful trespass upon the premises occupied by the
57 dog's keeper, owner or custodian; or

58 (c) Was provoking, tormenting or physically abusing the
59 dog or can be shown to repeatedly have provoked, tormented, abused
60 or assaulted the dog at other times.

61 (3) A police dog may not be deemed to be a dangerous dog for
62 actions taken by the dog while engaged in the performance of its
63 official duties.

64 (4) A dog may not be deemed to be a dangerous dog if the
65 dog, at the time of the threat, injury or damage complained of,
66 was responding to pain or injury or was protecting itself, its
67 kennel, its offspring, a person or the property of its keeper,
68 owner or custodian.

69 (5) A dog may not be deemed to be a dangerous dog for
70 actions taken by the dog while working, herding or guarding



71 livestock or protecting related agricultural enterprises,
72 including, but not necessarily limited to, the land, barns and
73 accessory structures where the livestock are located.

74 (6) A dog may not be deemed to be a dangerous dog as a
75 result of biting, attacking or inflicting injury on another dog or
76 a cat while the dog is engaged, with its keeper, owner or
77 custodian, as part of a lawful hunting or as a participant in an
78 organized, lawful dog handling event.

79 (7) A dog may not be deemed to be a dangerous dog if the
80 court determines, based on the totality of the evidence before the
81 court or for other good cause, that the dog is not dangerous or a
82 threat to the community.

83 **SECTION 4.** The owner or keeper of a dog is guilty of the
84 criminal offense of failure to control a dangerous dog if the
85 following elements of the offense are proven:

86 (a) The dog has a history of attack, without
87 provocation, on human beings or companion animals; and

88 (b) The owner or keeper of the dog, willfully or
89 recklessly, has failed to confine or restrain a dangerous dog.

90 **SECTION 5.** Whenever an owner or keeper of a dog is charged
91 with a violation of this act, a law enforcement officer or animal
92 control officer may confine the dog until such time as evidence
93 has been heard and a verdict rendered. The court, through its
94 contempt powers, may compel the owner, custodian, keeper or
95 harbinger of the dog to produce or confine the dog. The failure or



96 refusal of a person to comply with this act constitutes the
97 misdemeanor offense of failure to control a dangerous dog. Upon
98 conviction under this act, the offender must be punished as
99 follows:

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

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

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

109 **SECTION 6.** This act shall take effect and be in force from
110 and after July 1, 2021.

