

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 417

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; TO
 9 AMEND SECTION 97-3-45, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A
 10 PENALTY WHEN AN AT-LARGE DOG KILLS A HUMAN, TO CONFORM TO THE
 11 PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

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

20 (2) An owner or person who is responsible for the care of a
 21 dog that knows or has reason to know that the dog has a history of
 22 biting, has a propensity to cause injury or to otherwise endanger



23 the safety of human beings without provocation or has been found
24 by a court of competent jurisdiction to be vicious and dangerous;
25 and such person does not take reasonable care to prohibit the dog
26 from escaping to the outside of a residence or enclosed area, yard
27 or structure shall be guilty of a misdemeanor, and upon
28 conviction, fined not more than One Thousand Dollars (\$1,000.00),
29 or imprisoned in the county jail not more than six (6) months, or
30 both. If such dog bites, inflicts physical injury or attacks a
31 human being, the owner or responsible person shall be guilty of a
32 felony, and upon conviction, fined not less than One Thousand
33 Dollars (\$1,000.00), nor more than Five Thousand Dollars
34 (\$5,000.00), or imprisoned in the custody of the Department of
35 Corrections up to three (3) years, or both.

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

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



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

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

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



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

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

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

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

87 **SECTION 2.** Section 97-3-45, Mississippi Code of 1972, is
88 amended as follows:

89 97-3-45. * * * Except as otherwise provided by Section 1 of
90 this act for an owner of a dog, the owner of a mischievous animal,
91 knowing its propensity, * * * willfully suffer it to go at large,
92 or shall keep it without ordinary care, and such animal, while so
93 at large, or not confined, kill any human being who shall have
94 taken reasonable precautions to avoid the animal, such owner shall
95 be guilty of manslaughter.



96 **SECTION 3.** This act shall take effect and be in force from
97 and after July 1, 2022.

