

Idaho "Vicious" Dog Law Excerpts

Ada County

County Code

5-7-2: DEFINITIONS:

VICIOUS DOG: A dog of any age, male or female, which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, any public grounds or places or private property not owned or possessed by the owner of the dog; or a dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of persons or domestic animals; or any dog which bites, inflicts injury, assaults or otherwise attacks a person or domestic animal without provocation; or any dog owned or harbored primarily or in part for the purpose of fighting or any dog trained for fighting.

Notwithstanding the above definition of a "vicious dog", no dog may be declared vicious if an injury or damage is sustained by a person who, at the time of such injury or damage was sustained, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog; or was teasing, tormenting, abusing or assaulting the dog; or was committing or attempting to commit a crime.

No dog may be declared vicious if the injury or damage was sustained as a result of teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. (Ord. 122, 12-23-1981; amd. Ord. 160, 12-10-1986; amd. Ord. 266, 9-23-1993; amd. Ord. 275, 4-7-1994; amd. Ord. 734, 1-13-2010; amd. Ord. 801, 9-12-2012)

NUISANCE DOMESTICATED ANIMAL: Any domesticated animal of any age, male or female, which molests passersby or passing vehicles, trespasses onto property not owned by the animal's owner, is repeatedly at large, damages private or public property, or emits sound in an excessive, continuous or untimely fashion.

5-7-6: RESTRICTED AND PROHIBITED ACTS AND CONDITIONS:

E. Nuisance Domesticated Animals: It shall be unlawful for any person to own, harbor or have in his/her possession any domesticated animal which acts in a manner consistent with the definition of a "nuisance domesticated animal" as defined in section [5-7-2](#) of this chapter. Such domesticated animals shall be deemed a nuisance and shall be prohibited and may be subject to impound pursuant to section [5-7-4](#) of this chapter.

F. Vicious Dogs: It shall be unlawful for any person to own, harbor, or have in his/her possession any dog or dogs which, when unprovoked, acts in a manner consistent with the definition of a "vicious dog" as defined in section [5-7-2](#) of this chapter. Such dog or dogs shall be prohibited and may be subject to impound and destruction pursuant to section [5-7-5](#) of this chapter. (Ord. 122, 12-23-1981; amd. Ord. 160, 12-10-1986; amd. Ord. 275, 4-7-1994; amd. Ord. 801, 9-12-2012)

5-7-5: IMPOUNDING, FEES, DETERMINATION OF VICIOUSNESS AND DESTRUCTION OF VICIOUS DOGS:

The Idaho Humane Society, Inc., or Ada County sheriff's office shall capture, impound and may destroy any dog found to be vicious pursuant to the determination of this section. Notice and terms of the impoundment, determination of viciousness and disposal of such dogs shall be as follows:

A. Record Of Impounding: Immediately after impounding any dog hereunder, it shall be the duty of the Idaho Humane Society, Inc., to enter upon the records of the animal shelter the date of impounding and a description of the dog impounded under a charge of viciousness.

B. Determination Of A Vicious Dog:

1. In the event that the animal control officer or Ada County sheriff's officer has probable cause to believe that a dog is vicious, the animal control officer or the Ada County sheriff's officer is hereby empowered to seize and impound such dog. In the event that the owner of the dog refuses to surrender the dog to the animal control officer or the Ada County sheriff's officer, the animal control officer or Ada County sheriff's officer may employ any legal means to seize the dog.
2. The director of the Idaho Humane Society, Inc., or his designated representative shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The director of the Idaho Humane Society, Inc., or his designated representative shall conduct or cause to be conducted an investigation and shall notify the owner of the dog that a hearing will be held, at which time the owner may have the opportunity to present evidence why the dog should not be declared vicious. The owner of the dog has the burden of proof to show the dog is not vicious. The hearing shall be held no less than five (5) days nor more than ten (10) days after service of notice upon the owner of the dog. The hearing shall be informal and be open to the public.
3. After the hearing, the owner of the dog shall be notified in writing of the determination. The notice of the determination shall be mailed to the owner of the dog with the presumption that the owner of the dog received the notice not more than three (3) days from the date the notice was mailed.

C. Destruction Of Vicious Dog:

1. If the determination is made that the dog is vicious, the dog shall be subject to destruction after ten (10) days from the date the notice of determination of viciousness was mailed to the owner of the dog. If the owner of the dog contests the determination, the owner may, within five (5) days of receiving such determination, bring a petition in magistrate court, in the fourth judicial district, in the state of Idaho, in and for the county of Ada, wherein the dog is owned, praying that the court conduct its own hearing on whether or not the animal should be declared vicious. The petition shall be governed by the Idaho rules of civil procedure. The owner of the dog has the burden of proof to show the dog is not vicious. The destruction of the dog shall be stayed pending the outcome of the appeal.

Idaho "Vicious" Dog Law Excerpts

2. If the court finds that the dog is not vicious as defined by this chapter, such dog may be released to the custody of the owner upon payment to the shelter or animal control officer of the expenses of impounding such dog.
3. If the court finds that the dog is vicious as defined by this chapter, such dog shall be subject to destruction by the Idaho Humane Society, Inc

BOISE CITY CODE

Section 6-07-01 DEFINITIONS

VICIOUS ANIMAL:

- A. Any animal which, when unprovoked in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, any public grounds or places, or private property not owned or possessed by the owner of the animal; or
- B. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- C. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation; or
- D. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or

Notwithstanding the definition of a vicious animal above, no animal may be declared vicious if an injury or damage is sustained by a person who, at the time of such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. No animals may be declared vicious if the injury or damage was sustained as a result of teasing, tormenting, abusing or assaulting the animal. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

Section 6-07-07 VICIOUS ANIMALS

A. Requirements for registration.

1. No vicious animal shall be licensed by the City for any licensing period commencing after January 1, 1988, unless the owner or keeper of such vicious animal shall meet the following requirements:

a. The owner shall present to the City Clerk or other licensing authority, proof that the owner or keeper has procured liability insurance in the amount of no less than five hundred thousand dollars (\$500,000.00), covering any damage or injury which may be caused by such vicious animal during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City to be named as additional insured for the sole purpose of the City Clerk or other licensing authority where such animal is licensed to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

b. The owner shall, at his own expense, have the licensing number assigned to such vicious animal, or such other identification number as the City Clerk or other licensing authority shall determine, tattooed upon such vicious animal by a licensed veterinarian or person trained as a tattooist and authorized as such by any state, city or police department. The tattoo shall be placed either on the upper inner lip, inside ear or inside rear thigh of the vicious animal. The Humane Shelter may, in its discretion, designate the particular location of said tattoo. Said number shall be noted on the city licensing files for such vicious animal, if it is different from the license number of such vicious animal. For the purposes of this section "tattoo" shall be defined as any permanent numbering of a vicious animal by means of indelible or permanent ink with the number designated by the licensing authority, or any other permanent, acceptable method of tattooing.

c. The owner shall display a sign in conformance with 6-7-1 on his or her premises warning that there is a vicious animal on the premises. Said sign shall be visible and capable of being read from the public highway.

d. The owner shall sign a statement attesting that:

(1) The owner shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner shall cease to own or keep the vicious animal prior to expiration of such license.

(2) The owner shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious animal on the property where the vicious animal will be kept or maintained.

(3) The owner shall notify the licensing authority and the animal control officer within twenty-four (24) hours if a vicious animal is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious animal has been sold or given away the owner shall also provide the licensing authority with the name, address and telephone number of the new owner of the vicious animal.

B. An animal control officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any such animal control officer is hereby empowered to seize and impound any vicious animal whose owner fails to comply with the provisions hereof. In the event that the owner of the animal refuses to surrender the animal to the animal control officer, the animal control officer may request a police officer to obtain a search warrant from a magistrate of the district court and to seize the animal upon execution of the warrant.

Section 6-07-08 CONTROL OF VICIOUS ANIMALS

A. All vicious animals shall be confined in an enclosure. It shall be unlawful for any owner to maintain a vicious animal upon any premises which does not have a locked enclosure.

Idaho "Vicious" Dog Law Excerpts

B. It shall be unlawful for any owner to allow any vicious animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care for the vicious animal or to sell or give away the vicious animal or to comply with commands or directions of the animal control officer with respect to the vicious animal, or to comply with the provision of 6-7-7A.1.a. or 6-7-7A.1.b. of this chapter. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under the direct control and supervision of the owner of the vicious animal.

Section 6-07-10 ACTION FOR DAMAGES - DESTRUCTION OF OFFENDING VICIOUS ANIMAL - CIVIL PENALTY

A. If any vicious animal shall, when unprovoked, kill or wound, or assist in killing or wounding any sheep, lamb, cattle, horse, hog, swine, fowl or other domestic animal, belonging to or in the possession of any person, or shall, when unprovoked, attack, assault, bite or otherwise injure any human being or assist in attacking, assaulting, biting or otherwise injuring any human being while out of or within the enclosure of the owner or keeper of such vicious animal, or while otherwise, on or off the property of the owner whether or not such vicious animal was on a leash and securely muzzled or whether the vicious animal escaped without fault of the owner or keeper, the owner or keeper of such animal shall be liable to the person aggrieved as aforesaid, for all damage sustained, to be recovered in a civil action, with costs of suit. It is rebuttably presumed as a matter of law that the owning, keeping or harboring of a vicious animal in violation of this chapter is a nuisance. It shall not be necessary, in order to sustain any such action, to prove that the owner of such vicious animal knew that such vicious animal possessed the propensity to cause such damage or that the vicious animal had a vicious nature. Upon such attack or assault, the animal control officer in the City is hereby empowered to confiscate and destroy such vicious animal, if the conduct of such vicious animal or its owner constituted a violation of the provisions of this chapter, punishable by the confiscation and destruction of the animal.

Section 6-07-14 DETERMINATION OF A VICIOUS ANIMAL

A. In the event that the animal control officer or law enforcement officer has probable cause to believe that an animal is vicious, the Chief of Police or the Director of the Humane Shelter or his designee, shall be empowered to convene a hearing for the purpose of determining whether or not the animal in question should be declared vicious. The animal control officer or Chief of Police shall conduct or cause to be conducted an investigation and shall notify the owner of the animal that a hearing will be held, at which time he or she may have the opportunity to present evidence why the animal should not be declared vicious. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner of the animal. The hearing shall be informal and shall be open to the public. After the hearing, the owner of the animal shall be notified in writing of the determination. If a determination is made that the animal is vicious, the owner shall comply with the provisions of this chapter in accordance with a time schedule established by the Director of the Humane Shelter, but in no case more than thirty (30) days subsequent to the date of the determination. If the owner of the animal contests the determination, he or she may, within five (5) days of such determination, bring a petition in the Magistrate Court in the Fourth Judicial District of the State of Idaho, in and for the County of Ada, wherein the animal is owned, praying that the court conduct its own hearing on whether or not the animal should be declared vicious. After service of notice upon the animal control officer the court shall conduct a hearing de novo and make its own determination as to viciousness. Said hearing shall be conducted within fourteen (14) days of the service of the notice upon the animal control officer or law enforcement officer involved. The issue shall be decided upon the preponderance of the evidence. If the court rules the animal to be vicious, the court may establish a time schedule to insure compliance with this chapter, but in no case more than thirty (30) days subsequent to the date of the court's determination. The court may decide all issues for or against the owner of the animal regardless of the fact that said owner fails to appear at said hearing. The determination of the Magistrate Court shall be final and conclusive upon all parties thereto. However, the animal control officer or any law enforcement officer shall have the right to declare an animal to be vicious for any subsequent actions of the animal. In the event that the animal control officer or law enforcement officer has probable cause to believe that the animal in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer or law enforcement officer may seize and impound the animal pending the aforesaid hearings. The owner of the animal shall be liable to the City for the costs and expenses of impoundment of such animal.

B. If the owner of an animal impounded for an alleged violation of 6-7-7A. to 6-7-12, inclusive, of this chapter, shall believe that there shall not have been a violation of such sections hereof, such owner may petition the Magistrate Court of the Fourth Judicial District of the State of Idaho, in and for the county of Ada, praying that the impounded animal not be destroyed. The impounded animal shall not be destroyed pending resolution of such owner's petition if the petition shall have been filed within five (5) days of impoundment of such animal and notice shall have been served within five (5) days of the impoundment of such animal upon the animal control officer or keeper of the impounded animal. The hearing shall be conducted within fourteen (14) days from serving of the notice. The decision of the Magistrate Court may be appealed to the District Court by any aggrieved party within forty-two (42) days of the decision. The animal shall remain impounded pending the appeal. If the court finds that there shall not have been a violation of 6-7-7A. to 6-7-12, inclusive, of this chapter, such animal may be released to the custody of the owner upon payment to the Humane Shelter or animal control officer of the expense of keeping such animal. The schedule of such costs as provided for by 6-7-26 shall be paid in full or upon the signing of a promissory note to the City. If the owner of the animal violates any of the terms and conditions of 6-7-7A.1.d., said owner shall be fined one hundred dollars (\$100.00) for the first such violation and two hundred fifty dollars (\$250.00) for each subsequent violation.

Meridian City Code

6-2-1: DEFINITIONS:

VICIOUS DOG: A dog declared by the animal control officer to be a vicious dog.

6-2-6: DECLARATION OF VICIOUS DOG:

A. Declaration Of Vicious Dog: The animal control officer is authorized to declare that a dog is a vicious dog.

1. Any dog whose behavior or actions fall within one or more of the following may be declared a vicious dog:
 - a. Any dog which, when unprovoked, attacks or bites another person or other domestic animal upon the streets, sidewalks, any public grounds or places, or private property not owned or possessed by the owner of the dog; or
 - b. Any dog with a prior documented history, in any jurisdiction, of unprovoked attack or biting of persons or other domestic animals; or
 - c. Any dog owned or harbored primarily or in part for the purpose of fighting or attacking people or any dog trained for fighting or attacking of persons.

Idaho "Vicious" Dog Law Excerpts

2. Except that:

- a. No dog may be declared vicious if an injury or damage is sustained by a person who, at the time that such injury or damage was sustained: 1) was committing a wilful trespass or other crime or tort upon the premises occupied by the owner of the dog, whether or not the dog's owner is present at the time of the unlawful trespass or other crime; or 2) was teasing, tormenting, abusing or assaulting the dog; or 3) was committing or attempting to commit a crime.
- b. No dog may be declared vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
- c. No dog owned, maintained, or kept for work as a law enforcement dog, either currently or retired, may be declared vicious if the action that would be so defined by this definition, took place while the dog was acting within its capacity for law enforcement purposes.

B. Notice Of Declaration Of Vicious Dog: Within two (2) working days of declaring a dog to be vicious, the animal control officer shall serve or mail to the dog's owner, at the licensed address, written notification that such dog has been declared vicious. Such notice of declaration shall contain the following information:

1. Date of such declaration.
2. Facts supporting such declaration.
3. Notice of the right to appeal such decision as set forth in this section, including an explanation of the time within which, and process by which, such appeal may be made to the chief of police, and further including notice that if such appeal is not made, the decision of the animal control officer shall be a final decision.
4. Notice that, fourteen (14) working days following entry of a final decision:
 - a. If such dog is impounded, the vicious dog shall be euthanized; or
 - b. If such dog is not impounded, the dog's owner shall either voluntarily relinquish the vicious dog to the city dog pound for euthanization, or remove the vicious dog from Meridian city limits.

Unless appealed as set forth in this section, the decision of the animal control officer declaring that a dog is a vicious dog shall be a final decision within five (5) working days from the date of the notice of declaration.

C. Appeal To Chief Of Police: Appeal of the animal control officer's declaration that a dog is vicious may be made by the dog's owner. Such appeal shall be made in writing, shall state the reasons for such appeal, and shall be delivered to the chief of police via U.S. mail within five (5) working days from the date of the notice of declaration. At the scheduled hearing, the chief or designee shall review the decision of the animal control officer to declare the dog vicious. The dog owner shall be allowed to present any reasonable evidence to show cause for reversal of the animal control officer's decision. The chief or designee may establish procedures and time limits for the hearing, but shall hear all reasonable evidence. Upon conclusion of the hearing, the chief or designee shall either affirm the decision of the animal control officer that the dog is vicious, or reverse the decision. Within three (3) working days following the hearing, the chief or designee shall mail to the dog owner notice of his decision. Such notice of decision shall include:

1. Date of such decision.
2. Facts supporting such decision.
3. Notice of the right to appeal such decision as set forth in this section, including an explanation of the time within which, and process by which, such appeal may be made to the city council, and further including notice that if such appeal is not made, the decision of the chief or designee shall be a final decision.
4. Notice that, fourteen (14) working days following entry of a final decision:
 - a. If such dog is impounded, the vicious dog shall be euthanized; or
 - b. If such dog is not impounded, the dog's owner shall either voluntarily relinquish the vicious dog to the city dog pound for euthanization, or remove the vicious dog from Meridian city limits.

Unless appealed as set forth in this section, a decision of the chief or designee affirming the animal control officer's declaration shall be a final decision seven (7) working days following the date of the chief's notice of decision.

D. Appeal To City Council: Appeal of the chief's notice of decision affirming the animal control officer's decision that a dog is vicious may be made by the dog's owner. Such appeal shall be made in writing, shall state the reasons for such appeal, and shall be delivered to the city clerk via U.S. mail or in person within five (5) working days from the date of the chief's notice of decision. Upon receipt of such written appeal, the city clerk shall schedule a public hearing on the appeal at a city council meeting within fourteen (14) days. City council shall conduct a de novo review and may establish procedures and time limits for such hearing. Following such hearing, city council shall either affirm or reverse the chief's or designee's decision. Within

Idaho "Vicious" Dog Law Excerpts

three (3) working days following the hearing, the city clerk shall mail to the dog owner written notice of city council's decision. Such notice of decision shall include:

1. Date of such decision.
2. Facts supporting such decision.
3. Notice that, fourteen (14) working days following notice of final decision:
 - a. If such dog is impounded, the vicious dog shall be euthanized; or
 - b. If such dog is not impounded, the dog's owner shall either voluntarily relinquish the vicious dog to the city dog pound for euthanization, or remove the vicious dog from Meridian city limits.

Upon mailing of such written notice, the city council's decision on such appeal shall be a final decision.

- E. Final Decision: Within fourteen (14) working days of a final decision that a dog is a vicious dog, whether such final decision is entered by the animal control officer, the chief of police or designee, or city council:
1. If such dog is impounded, the vicious dog shall be euthanized.
 2. If such dog is not impounded, the dog's owner shall either voluntarily relinquish the vicious dog to the city dog pound for euthanization, or remove the vicious dog from Meridian city limits. (Ord. 12-1518, 6-26-2012)

City of Star

4-4-1: DEFINITIONS:

DANGEROUS DOG: Any of the following:

- A. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.
- B. Any dog previously determined to be a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in the definition of "potentially dangerous dog" of this section.

POTENTIALLY DANGEROUS DOG: A. Any dog which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.

B. Any dog which, when unprovoked, has killed, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

PROVOKE: To perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an animal.

ARTICLE B. DANGEROUS AND POTENTIALLY DANGEROUS DOGS

4-4B-1: DESIGNATION AS POTENTIALLY DANGEROUS DOG:

A. Findings: The animal control officer may find and declare a dog potentially dangerous if he has probable cause to believe the animal falls within the definition set forth in section [4-4-1](#) of this title, "potentially dangerous dog". The finding must be based upon:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes such animal to fall within the definition of a "potentially dangerous dog"; or
2. One or more dog attack or bite reports filed with the animal control agency as required by this article; or
3. Actions of the dog witnessed by any animal control officer; or
4. Other substantial evidence admissible in court under the Idaho rules of evidence.

B. Serving Notice Of Declaration: The declaration of potentially dangerous dog shall be in writing, and shall be served on the owner in one of the following methods:

Idaho "Vicious" Dog Law Excerpts

1. Certified mail to the owner's or keeper's last known address, if known; or
 2. Personally served to the owner or to another person eighteen (18) years of age or older and mentally competent residing at the owner's residence; or
 3. Posting a notice at the owner's or keeper's last known address.
- C. Contents Of Declaration: The declaration shall state at least:
1. A description of the animal.
 2. The name and address of the owner or keeper of the animal, if known.
 3. The whereabouts of the animal, if known, if such animal is not in the custody of the owner.
 4. A summary of the facts upon which the declaration of potentially dangerous dog is based.
 5. The availability of a hearing in case the person objects to the declaration, in accordance with subsection D of this section, if a request is made within five (5) calendar days.
 6. The restrictions placed on the animal as a result of the declaration of potentially dangerous dog and the date upon which the owner shall be required to have complied with such restrictions.
 7. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.
- D. Exempt Actions Of Dog: No dog may be declared potentially dangerous:
1. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault.
 2. If, at the time, the person was committing a crime or offense upon the property of the owner, or custodian, of the dog.
 3. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog.
 4. If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner, or custodian of the dog.
 5. If the dog was responding to pain or injury.
 6. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be potentially dangerous.
- E. Objection By Owner; Hearing: If the owner of the animal wishes to object to the declaration of potentially dangerous dog:
1. The owner may, within five (5) days of receipt of the declaration, request a hearing before the district court by submitting a written request to the clerk of the court.
 2. If the court finds that there is insufficient evidence to support the declaration, it shall be rescinded and the restrictions imposed thereby annulled, and the animal, if impounded, shall be released into the owner's custody without payment of the impound fees.
 3. If the court finds sufficient evidence to support the declaration, it may impose court costs on the appellant, and may impose additional restrictions or penalties on the animal or owner.
 4. In the event the court finds that the animal is not a potentially dangerous dog, no court costs shall be assessed against the city or the animal control agency or officer.
 5. Following service of a declaration of potentially dangerous dog, the animal control agency may, if circumstances require, impound the animal at the owner's expense, pursuant to the provisions of this article, until a court orders either its redemption or destruction.
- F. Restrictions And Conditions For Keeping Dog: The animal control agency is hereby authorized and empowered to impound and/or abate any potentially dangerous dog by imposition upon the owner specific reasonable restrictions and conditions for the maintenance of the dog. The restrictions and conditions may include, but are not limited to:
1. Obtaining and maintaining liability insurance and furnishing a certificate or proof of insurance by which the animal control agency shall be notified at least ten (10) days prior to cancellation or nonrenewal.

Idaho "Vicious" Dog Law Excerpts

2. Requirements as to size, construction and design of secure enclosure.
3. Requirements as to posting of the premises on which the dog is kept with clearly visible signs which state "beware of dog", which may also include the requirement to post signs with a warning symbol that informs children of the presence of a dangerous dog, either of which shall be visible from the closest roadway.
4. Location of the dog's residence.
5. Requirements as to type and method of restraints and/or muzzling of the dog.
6. Microchip identification or other permanent marking of the dog for purposes of identification.
7. Photographic identification of the dog for purpose of identification.
8. A requirement to obtain a potentially dangerous dog permit in addition to license as required by [chapter 4](#) of this title.
9. A requirement to sterilize the dog.
10. Requirements to allow inspection of the dog and its enclosure by the animal control agency, and to produce upon demand, proof of compliance with all requirements of this article.

G. Potentially Dangerous Dog Permit; Fee: The permit fee and renewal fee for each potentially dangerous dog registered under this article shall be set by resolution of the city council, and shall be due no later than January 31 of each year. All owners of potentially dangerous dogs shall purchase a potentially dangerous dog permit from the animal control agency within five (5) calendar days of receipt of the declaration of potentially dangerous dog (if no proper appeal has been filed). (Ord. 114, 10-19-2004)

4-4B-2: DESIGNATION AS DANGEROUS DOG:

A. Findings: The animal control officer may find and declare a dog dangerous if he has probable cause to believe the animal falls within the definition set forth in section 4-4-1 of this title, "dangerous dog". The finding must be based upon:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of "dangerous dog"; or
2. One or more dog bite reports filed with the animal control agency as required by this article; or
3. Actions of the dog witnessed by any animal control officer; or
4. Other substantial evidence admissible in court under the Idaho rules of evidence.

B. Serving Notice Of Declaration: The declaration of dangerous dog shall be in writing, and shall be served on the owner in one of the following methods:

1. Certified mail to the owner's or keeper's last known address, if known; or
2. Personally served to the owner or to another person eighteen (18) years of age and mentally competent residing at the owner's residence; or
3. Posting a notice at the owner's or keeper's last known address.

C. Contents Of Declaration: The declaration shall state at least:

1. A description of the animal.
2. The name and address of the owners of the animal, if known.
3. The whereabouts of the animal, if known, if it is not in the custody of the owner.
4. A summary of the facts upon which the declaration of dangerous dog is based.
5. The availability of a hearing in case the person objects to the declaration, if a request is made within five (5) calendar days in accordance with subsection E of this section.

Idaho "Vicious" Dog Law Excerpts

6. An order for euthanasia of the dog within five (5) days unless an appeal is filed in the interim, or if the dog is not required by the animal control agency to be destroyed, the restrictions placed on the animal as a result of the declaration of dangerous dog and the date upon which the owner shall be required to have complied with such restrictions.
7. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.
- D. Exempt Actions Of Dog: No dog may be declared dangerous:
 1. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault.
 2. If, at the time, the person was committing a crime or offense upon the property of the owner, or custodian, of the dog.
 3. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog.
 4. If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner, or custodian of the dog.
 5. If the injury was delivered as a result of human intervention between two (2) or more animals engaged in a fight or altercation.
- E. Objection By Owner; Hearing: If the owner of the animal wishes to object to the declaration of dangerous dog:
 1. The owner may, within five (5) days of receipt of the declaration request a hearing before the district court by submitting a written request to the clerk of the court.
 2. If the court finds that there is insufficient evidence to support the declaration, it shall be rescinded and the restrictions imposed thereby annulled and the animal, if impounded, shall be redeemed into the owner's custody without payment of impound fees.
 3. If the court finds sufficient evidence to support the declaration, the court may impose court costs on the appellant, and may impose additional restrictions or penalties on the animal or owner.
 4. In the event the court finds that the animal is not a dangerous dog, no court costs shall be assessed against the city or the animal control agency or officer.
 5. Following service of a declaration of a dangerous dog, the animal control agency may, if circumstances require, impound the animal at the owner's expense, pursuant to the provisions of this article, until a court orders either its redemption or euthanasia.
- F. Restrictions And Conditions For Keeping Dog: The animal control agency is authorized and empowered to abate any dog declared dangerous by any means necessary to ensure the health, safety and welfare of the public, including euthanasia of the dog or by the imposition upon the owner and/or custodian of specific reasonable restrictions and conditions for the maintenance of the dog. If the dog is not ordered to be destroyed, the restrictions and conditions may include, but are not limited to:
 1. Obtaining and maintaining liability insurance and furnishing a certificate or proof of insurance by which the animal control agency shall be notified at least ten (10) days prior to cancellation or nonrenewal.
 2. Requirements as to size, construction and design of secure enclosure.
 3. Requirements as to posting of the premises on which the dog is kept with clearly visible signs which state "beware of dog", which may also include the requirement to post signs with a warning symbol that informs children of the presence of a dangerous dog, either of which shall be visible from the closest roadway.
 4. Location of the dog's residence.
 5. Requirements as to type and method of restraints and/or muzzling of the dog.
 6. Microchip identification or other permanent marking of the dog for purposes of identification.
 7. Photographic identification of the dog for purpose of identification.
 8. A requirement to obtain a dangerous dog permit in addition to license as required by [chapter 4](#) of this title.
 9. A requirement to sterilize the dog.

Idaho “Vicious” Dog Law Excerpts

10. Requirements to allow inspection of the dog and its enclosure by the animal control agency, and to produce, upon demand, proof of compliance with all requirements of this article.

G. Dangerous Dog Permit; Fees: The permit and renewal fee for each vicious dog registered under this article shall be set by resolution of the city council, and shall be due no later than January 31 of each year. All owners of dangerous dogs shall purchase a dangerous dog permit from the animal control agency within five (5) days of receipt of the declaration of dangerous dog (if no proper appeal has been filed). (Ord. 114, 10-19-2004)

4-4B-3: PENALTIES AND TRANSFER OF OWNERSHIP:

A. Confinement Required: It is unlawful for an owner of a potentially dangerous dog to permit the dog to be at large at any time.

B. Failure To Obtain Permit; Civil Penalty: The owner of a potentially dangerous dog who fails to obtain a permit or renewal for such dog as described in this article, in addition to criminal sanctions, shall be assessed a civil penalty and the animal shall be immediately confiscated by the animal control agency. No such civil penalty shall be assessed until five (5) days have elapsed from the date such owner is notified by the animal control agency that such permit or renewal for such potentially dangerous dog is required, or until any appeal brought under that section has been complete, whichever is later.

C. Impoundment: Any potentially dangerous or dangerous dog for which permit or renewal has not been obtained by its owner pursuant to this article is subject to being impounded by the animal control agency. Any potentially dangerous dog impounded due to the failure of the owner of such dog to obtain the required permit and which remains impounded for a period of at least seven (7) days due to the failure of the owner to obtain such permit may be destroyed by euthanasia by the animal control agency and the owner shall be assessed an additional civil penalty. Fees for impounding and keeping each potentially dangerous dog shall be assessed against the owner of each potentially dangerous dog pursuant to [chapter 4](#) of this title.

D. Failure To Comply With Conditions: It is unlawful for the owner of a dangerous or potentially dangerous dog to fail to abide by the conditions for ownership as described in subsections [4-4B-1F](#) and [4-4B-2F](#) of this article. Any dangerous or potentially dangerous dog shall be immediately confiscated by the animal control agency if found to be in violation of this subsection. Any owner who violates this provision shall, in addition to criminal sanctions, be assessed a civil penalty for each violation thereof. In addition, the owner shall be guilty of a misdemeanor for violation of this subsection. (Ord. 114, 10-19-2004)

Idaho State Code

Title 25. Animals. Chapter 28. Dogs

§ 25-2805 Dogs running at large -- Vicious dogs -- Penalty.

- (1) Any person, who, after complaint has been made by any person to the sheriff, who shall serve a copy of said notice upon such person complained of, willfully or negligently permits any dog owned or possessed or harbored by him to be, or run, at large without a competent and responsible attendant or master, within the limits of any city, town, or village or in the vicinity of any farm, pasture, ranch, dwelling house, or cultivated lands of another, or who willfully or negligently fails, neglects or refuses to keep any such dog securely confined within the limits of his own premises when not under the immediate care and control of a competent and responsible attendant or master, shall be guilty of an infraction punishable as provided in section 18-113A, Idaho Code.
- (2) Any dog which, when not physically provoked, physically attacks, wounds, bites or otherwise injures any person who is not trespassing, is vicious. It shall be unlawful for the owner or for the owner of premises on which a vicious dog is present to harbor a vicious dog outside a secure enclosure. A secure enclosure is one from which the animal cannot escape and for which exit and entry is controlled by the owner of the premises or owner of the animal. Any vicious dog removed from the secure enclosure must be restrained by a chain sufficient to control the vicious dog. Persons guilty of a violation of this subsection, and in addition to any liability as provided in section 25-2806, Idaho Code, shall be guilty of a misdemeanor. For a second or subsequent violation of this subsection, the court may, in the interest of public safety, order the owner to have the vicious dog destroyed or may direct the appropriate authorities to destroy the dog.

S.L. 1919, ch. 72, § 1; S.L. 1998, ch. 61, § 1; S.L. 1999, ch. 245, § 2.

§ 25-2806 Liability for livestock and poultry killed by dogs.

The owner, possessor, or harbinger of any dog or animal that kills, worries, or wounds any livestock and poultry which are raised and kept in captivity for domestic or commercial purposes, is liable to the owner of the same for the damages and costs of suit, to be recovered before any court of competent jurisdiction:

1. In the prosecution of actions under the provisions of this section it is not necessary for the plaintiff to show that the owner, possessor, or harbinger of such dog or other animal had knowledge of the fact that such dog or other animal would kill or wound livestock or poultry which are raised and kept in captivity for domestic or commercial purposes.
2. Any person, on finding any dog, not on the premises of its owner or possessor, worrying, wounding, or killing any livestock or poultry which are raised and kept in captivity for domestic or commercial purposes, may, at the time of so finding said dog, kill the same, and the owners thereof can sustain no action for damages against any person so killing such dog.

Terr. Sess. 1867, p. 104, § 4; S.L. 1947, ch. 170, § 1; S.L. 1955, ch. 200, § 3.

SENATE BILL 1302

[Full Bill Information](#)

Individual Links:

[Bill Text](#)

[Statement of Purpose / Fiscal Note](#)

S1302 by AGRICULTURAL AFFAIRS COMMITTEE

DOGS - Amends, repeals and adds to existing law relating to dogs to provide for alternative means of identification; to provide for the seizure and impoundment of dogs running at large; to provide for liability regarding dogs attacking or killing animals; to provide for defense against dog attack; to provide for the designation of dangerous dogs and at-risk dogs; to provide for restrictions and requirements; to provide for violations and impoundment; and to provide for the local regulation of certain dogs.

02/09 Senate intro - 1st rdg - to printing

02/10 Rpt prt - to Agric Aff

02/15 Rpt out - rec d/p - to 2nd rdg

02/16 2nd rdg - to 3rd rdg

02/22 3rd rdg - **PASSED - 34-0-1**

AYES -- Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder

NAYS -- None

Absent and excused -- McGee

Floor Sponsor - Corder

Title apvd - to House

02/23 House intro - 1st rdg - to Agric Aff

03/15 Rpt out - to Gen Ord

STATEMENT OF PURPOSE

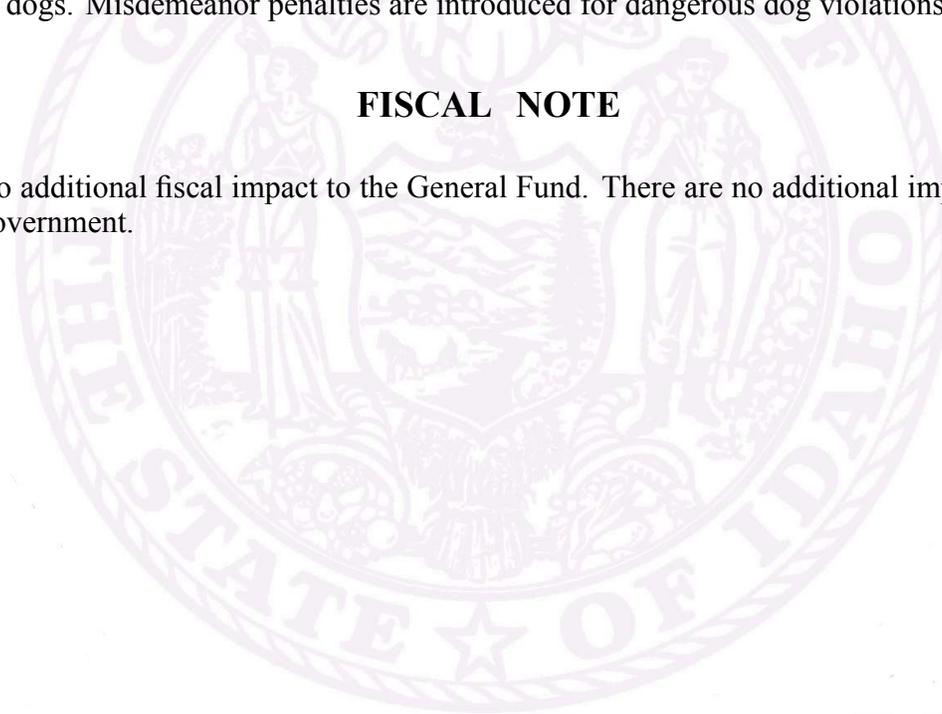
RS20915

This legislation updates Title 25 Chapter 28, Idaho Code. This legislation provides statewide minimum standards and definitions while allowing counties to be more restrictive. A new category of "at risk" dogs is added, and the existing term "vicious" is replaced by "dangerous" dog.

Penalties remain the same for dogs running at large and subject to impoundment; however, sheriff's responsibility to house and use reasonable effort to locate owners prior to disposition of a dog is clarified. Liabilities and penalties are to provide for dog attacks on humans and domestic animals, including production and companion. Changes to the statute give the court more discretion in the management of dangerous dogs and the ability to differentiate less severe behavior from more dangerous behavior and provide appropriate conditions for keeping the offending dog to ensure public safety. The court is provided the discretion to order a dog destroyed on a first incident resulting in severe injury or death of a human. The statute provides that under certain circumstances, aggressive acts by dogs are justifiable, and the dog and its owner exempted from prosecution. Personal responsibility is emphasized as well as the rights of both owners and victims of at risk or dangerous dogs. Misdemeanor penalties are introduced for dangerous dog violations.

FISCAL NOTE

There is no additional fiscal impact to the General Fund. There are no additional impacts to local units of government.



Contact:

Name: Senator Tim Corder
Dr. Jeff Rosenthal

Phone: (208) 332-1000

IN THE SENATE

SENATE BILL NO. 1302

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO DOGS; AMENDING SECTION 25-2803, IDAHO CODE, TO PROVIDE FOR AL-
2 TERNATIVE MEANS OF IDENTIFICATION; REPEALING SECTION 25-2804, IDAHO
3 CODE, RELATING TO DOGS WITHOUT COLLARS AND TAGS; REPEALING SECTION
4 25-2805, IDAHO CODE, RELATING TO DOGS RUNNING AT LARGE AND VICIOUS DOGS;
5 AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
6 TION 25-2805, IDAHO CODE, TO PROVIDE FOR THE SEIZURE AND IMPOUNDMENT OF
7 DOGS RUNNING AT LARGE, TO PROVIDE FOR VIOLATION AND PENALTY, TO CLARIFY
8 APPLICABILITY, TO PROVIDE A WAITING PERIOD DURING WHICH TIME AN OWNER
9 MAY RECLAIM A DOG PRIOR TO THE DOG BEING HUMANELY KILLED OR TRANSFERRED
10 TO ANOTHER PARTY AND TO PROVIDE THAT CERTAIN HOUSING OF A DOG BY THE
11 SHERIFF OR HIS DELEGATE SHALL CONSTITUTE REASONABLE EFFORT TO LOCATE
12 THE OWNER; REPEALING SECTION 25-2806, IDAHO CODE, RELATING TO LIABIL-
13 ITY; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW
14 SECTION 25-2806, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR LIABILITY
15 REGARDING DOGS ATTACKING OR KILLING ANIMALS, TO PROVIDE EXCEPTIONS,
16 TO PROVIDE FOR THE APPLICABILITY OF ADDITIONAL PROVISIONS IN CERTAIN
17 SITUATIONS, TO PROVIDE FOR SEVERABLE LIABILITY AND TO PROVIDE FOR VIO-
18 LATIONS AND PENALTIES; AMENDING SECTION 25-2808, IDAHO CODE, TO PROVIDE
19 A CORRECT CODE REFERENCE; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY
20 THE ADDITION OF A NEW SECTION 25-2809, IDAHO CODE, TO PROVIDE FOR DE-
21 FENSE AGAINST DOG ATTACK, TO CLARIFY A QUALIFICATION AND TO PROVIDE AN
22 EXCEPTION; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION
23 OF A NEW SECTION 25-2810, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION
24 OF DANGEROUS DOGS AND AT-RISK DOGS, TO CLARIFY PROOF REQUIREMENTS IN
25 THE PROSECUTION OF CERTAIN ACTIONS, TO DEFINE TERMS, TO PROVIDE THAT
26 CERTAIN PROOF SHALL NOT BE REQUIRED IN PROCEEDINGS AND TO PROVIDE EXCEP-
27 TIONS; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A
28 NEW SECTION 25-2811, IDAHO CODE, TO PROVIDE THAT COURTS MAY ORDER CER-
29 TAIN DOGS BE KILLED, TO PROVIDE FOR RESTRICTIONS AND REQUIREMENTS, TO
30 PROVIDE FOR THE WAIVER OF RESTRICTIONS AND REQUIREMENTS, TO PROVIDE FOR
31 VIOLATIONS AND TO PROVIDE FOR IMPOUNDMENT; AMENDING CHAPTER 28, TITLE
32 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2812, IDAHO CODE,
33 TO PROVIDE FOR VIOLATIONS AND PENALTIES; AMENDING CHAPTER 28, TITLE
34 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2813, IDAHO CODE, TO
35 PROVIDE FOR THE LOCAL REGULATION OF CERTAIN DOGS; AND AMENDING CHAPTER
36 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2814, IDAHO
37 CODE, TO PROVIDE FOR SEVERABILITY.
38

39 Be It Enacted by the Legislature of the State of Idaho:

40 SECTION 1. That Section 25-2803, Idaho Code, be, and the same is hereby
41 amended to read as follows:

1 25-2803. DOGS AT LARGE -- COLLAR AND TAG OR ALTERNATIVE MEANS OF IDENTIFICATION REQUIRED. No dog shall be permitted to go at large within the
2 said county without having a collar about its neck with a license tag or disc
3 attached thereto bearing the number of the license issued by the county as
4 herein set forth, or by some municipality within said county. Nothing in
5 this section shall preclude a county or municipality from allowing alter-
6 native means of identification including, but not limited to, microchip
7 implantation as an alternative to requiring collar and tag. A violation of
8 this section is an infraction punishable as provided in section 18-113A,
9 Idaho Code.
10

11 SECTION 2. That Section 25-2804, Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 3. That Section 25-2805, Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 4. That Chapter 28, Title 25, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 25-2805, Idaho Code, and to read as follows:

18 25-2805. DOGS RUNNING AT LARGE -- IMPOUNDMENT -- PENALTY. (1) The
19 sheriff of the county may seize and impound any dog running at large.

20 (2) Any person who, after complaint has been made by a person to the
21 sheriff, who shall serve a copy of said notice upon such person complained
22 of, willfully or negligently permits any dog owned or possessed or harbored
23 by him to be, or run, at large without a responsible attendant or master,
24 within the limits of any city, town or village or in the vicinity of any farm,
25 pasture, ranch, dwelling house, cultivated lands of another, or state and
26 federal lands or who willfully or negligently fails, neglects or refuses to
27 keep any such dog securely confined within the limits of his own premises
28 when not under the immediate care and control of a responsible attendant or
29 master shall be guilty of an infraction punishable as provided in section
30 18-113A, Idaho Code. This provision shall not apply to any dog that is ac-
31 tively working as a herding dog, herd guarding dog, bear or cougar dog, or
32 hunting dog, in any place where it may lawfully be that is under the reason-
33 able control of an owner or keeper.

34 (3) No dog impounded pursuant to this section shall be killed, or owner-
35 ship thereof transferred to another party, before five (5) days have elapsed
36 from the time of the taking up of the dog. Only days in which the facility
37 wherein the dog is impounded is open to the public shall be counted in the
38 calculation of the five (5) day period. The owner may recover possession of
39 the dog during that time upon payment of costs and any pertinent fines estab-
40 lished by local ordinance. After the five (5) days have elapsed and a reason-
41 able effort has failed to locate the owner, the sheriff or his delegate may
42 kill the dog in a humane manner or transfer ownership of the dog to another
43 party. Housing of the dog within the facility commonly known in the commu-
44 nity to be the designated impoundment facility for stray or impounded dogs
45 shall be deemed to constitute reasonable effort for purposes of this sec-
46 tion.

1 SECTION 5. That Section 25-2806, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 6. That Chapter 28, Title 25, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 25-2806, Idaho Code, and to read as follows:

6 25-2806. DOGS ATTACKING OR KILLING DOMESTIC ANIMALS -- LIABILITY FOR
7 DOMESTIC ANIMALS INJURED OR KILLED BY DOGS. (1) For purposes of this chap-
8 ter, "production animal" and "companion animal" shall have the same meanings
9 as defined in section 25-3502, Idaho Code. "Domestic animal" shall mean any
10 animal commonly kept as a pet in family households in the United States and
11 any animal commonly kept for companion or commercial purposes. Any refer-
12 ence in this chapter to "domestic animal" shall be considered as a reference
13 to both companion and production animals. "Dog" shall mean any canine or ca-
14 nine crossbreed.

15 (2) The owner of any companion animal which, while in any place where it
16 may lawfully be, has been damaged by being injured or killed by a dog with-
17 out provocation shall have a cause of action against the owner of the dog for
18 the damages and costs of suit, to be recovered before a court of competent ju-
19 risdiction. Provided however, the provisions of this subsection shall not
20 apply if the incident occurs in a boarding kennel, a dog daycare facility,
21 off-leash park or other designated area in which owners consent to their dogs
22 interacting without control by leashes or other restraint devices, unless
23 the owner of the dog can be shown to have intentionally caused the dog to at-
24 tack, or unless the owner knew or reasonably should have known that the dog
25 would attack.

26 (3) The owner of any production animal which, while in any place where
27 it may lawfully be, has been damaged by being injured, chased, wounded or
28 killed by a dog shall have a cause of action against the owner of the dog for
29 the amount of damages, costs of suit and attorney's fees, to be recovered be-
30 fore a court of competent jurisdiction.

31 (4) In the event a dog damages a companion or production animal, as pro-
32 vided in subsection (2) or (3) of this section, and subsequently damages a
33 domestic animal, the owner of the dog shall, in addition to any liability im-
34 posed by the provisions of this section, be subject to the provisions of sec-
35 tion 25-2811, Idaho Code.

36 (5) In the event one (1) or more dogs owned by different persons partic-
37 ipate in damaging any domestic animal, the owners of the dog or dogs shall be
38 severally liable pursuant to the provisions of this section.

39 (6) The owner of a dog found in violation of the provisions of subsec-
40 tion (2) or (3) of this section shall be guilty of an infraction punishable as
41 provided in section 18-113A, Idaho Code. The owner of a dog found in viola-
42 tion of the provisions of subsection (4) of this section shall be guilty of a
43 misdemeanor punishable as provided in section 25-2812, Idaho Code.

44 SECTION 7. That Section 25-2808, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 25-2808. DOGS USED IN LAW ENFORCEMENT. Neither the state of Idaho, nor
47 any city or county, nor any peace officer employed by any of them, shall be

1 criminally liable under the provisions of section 25-2805~~6~~, Idaho Code, or
2 civilly liable in damages for injury committed by a dog when: (1) the dog has
3 been trained to assist in law enforcement; and (2) the injury occurs while
4 the dog is reasonably and carefully being used in the apprehension, arrest or
5 location of a suspected offender or in maintaining or controlling the public
6 order.

7 SECTION 8. That Chapter 28, Title 25, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 25-2809, Idaho Code, and to read as follows:

10 25-2809. DEFENSE AGAINST DOG ATTACK ALLOWED. (1) In the event any dog
11 attacks, wounds, injures or chases a person who was peaceably conducting
12 himself in any place where he may lawfully be, any person, for the purpose
13 of preventing imminent injury or further injury to the person, may use such
14 force as is required to stop the dog from continuing to attack, wound, injure
15 or chase, including killing the dog, and the owners thereof can sustain no
16 action for damages for the dog against the person taking such action.

17 (2) In the event any dog on the premises of another where calving or
18 lambing is occurring, wounds, kills, annoys, disturbs, persecutes, chases,
19 drives, flushes, worries, follows after or on the trail of, stalks or lies
20 in wait for any domestic animal, any person so finding such dog, may use such
21 force as is required to stop the dog, including killing the dog, and the own-
22 ers thereof can sustain no action for damages for the dog against the person
23 taking such action.

24 (3) For the purposes of this chapter, a person is lawfully upon the pri-
25 vate property of another when such person is upon the property with the ex-
26 press or implied consent of the owner. Consent shall not be presumed when the
27 property is fenced or reasonably posted. Provided however, for purposes of
28 the provisions of this chapter, utility workers, while engaged in the per-
29 formance of duties of their employment on the private property of another,
30 shall be deemed to have the implied consent of the owner to be upon the pri-
31 vate property.

32 (4) No person shall kill any dog for wounding, injuring, chasing or
33 killing poultry in a public place, upon a highway or upon the property of the
34 owner or keeper of the dog.

35 SECTION 9. That Chapter 28, Title 25, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 25-2810, Idaho Code, and to read as follows:

38 25-2810. DANGEROUS DOGS -- AT-RISK DOGS. (1) "Dangerous dog" means any
39 dog that:

40 (a) Without provocation, and in an aggressive manner, has inflicted se-
41 rious injury on a person or kills a person;

42 (b) Has been previously found to be at-risk and thereafter aggressively
43 bites, physically attacks or endangers the safety of a person without
44 provocation; or

45 (c) Has been previously found to be at-risk, and thereafter bites,
46 physically attacks or kills a domestic animal without provocation.

47 (2) "At-risk dog" means any dog that:

- 1 (a) Aggressively bites a person without provocation; or
 2 (b) Has been previously found by a court to have engaged in behavior in
 3 violation of the provisions of section 25-2806(2) or (3), Idaho Code,
 4 and thereafter bites, physically attacks or kills a domestic animal
 5 without provocation.
- 6 (3) For purposes of this section, the issue of provocation shall be de-
 7 termined by whether a reasonable person would expect that the conduct or cir-
 8 cumstances would be likely to provoke a dog.
- 9 (4) For purposes of this section, "aggressively bites" shall mean any
 10 bite, made without provocation, that breaks the skin and is accompanied by
 11 one (1) or more of the following behaviors: baring teeth, chasing, growling,
 12 snapping, pouncing or lunging.
- 13 (5) For purposes of this section, "serious injury" means any physical
 14 injury consisting of broken bones or a permanently disfiguring injury.
- 15 (6) In determining whether a dog has behaved in a manner consistent with
 16 the definition of "dangerous dog" or "at-risk dog," it is not necessary to
 17 show that an owner or keeper of the dog had knowledge of the fact that the dog
 18 would so behave.
- 19 (7) No dog may be declared to be a "dangerous dog" or "at-risk dog" when,
 20 at the time an injury or damage was sustained:
- 21 (a) The dog was protecting or defending a person within the immediate
 22 vicinity of the dog from an attack or assault;
- 23 (b) A person was committing a crime or offense upon the property of the
 24 owner or keeper of the dog;
- 25 (c) A person was willfully teasing, tormenting, abusing or assaulting
 26 the dog, or in the past had teased, tormented, abused or assaulted the
 27 dog;
- 28 (d) The dog was responding to pain or injury, or protecting itself, its
 29 kennel or offspring;
- 30 (e) A person or domestic animal was disturbing the dog's natural func-
 31 tions such as sleeping or eating;
- 32 (f) The dog was working as a hunting dog, herding dog or predator
 33 control dog on the property of, or under the control of, its owner or
 34 keeper, and the damage or injury sustained was:
- 35 (i) To a species or type of domestic animal appropriate to the
 36 work of the dog; or
- 37 (ii) To a person or domestic animal that was interfering with the
 38 dog while the dog was working in a place where it was lawfully en-
 39 gaged in such activity, including state and federal lands.
- 40 (g) The injured person was intervening between two (2) or more animals;
- 41 (h) Such injury or damage was to a cat roaming free off the property of
 42 its owner or keeper, or to poultry.

43 SECTION 10. That Chapter 28, Title 25, Idaho Code, be, and the same is
 44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 45 ignated as Section 25-2811, Idaho Code, and to read as follows:

46 25-2811. DISCRETIONARY COURT ACTIONS RELATING TO DANGEROUS AND
 47 AT-RISK DOGS. (1) In the event a court finds that a dog is dangerous pursuant
 48 to the provisions of this chapter, in addition to any other penalty or lia-

1 bility provided in this chapter, the court may order the dog be put to death
2 in a humane manner.

3 (2) In the event a court finds that a dog belonging to an owner or keeper
4 is dangerous or at-risk pursuant to the provisions of this chapter, in addi-
5 tion to any other penalty or liability provided in this chapter, the court in
6 its discretion may order the owner or keeper to comply with one (1) or more of
7 the following restrictions and requirements:

8 (a) When outdoors, the dog shall be confined to a secure enclosure from
9 which it cannot escape, and for which ingress and egress are controlled
10 by the owner or keeper of the premises or owner or keeper of the dog.

11 (b) When off the property of the owner or keeper, and not confined to a
12 secure enclosure, the dog shall be kept on a secure leash.

13 (c) The dog shall be permanently identified by means of a color pho-
14 tograph to be maintained in the court file and/or by a nationally reg-
15 istered microchip for enforcing this provision. Microchip identifica-
16 tion shall be reported in a timely manner by the implanter to the local
17 agency responsible for control of such dogs.

18 (d) The premises on which the dog is kept shall be posted with clearly
19 visible signs stating "Beware of Dog," and may also require posting
20 signs with a warning symbol that informs children of the presence of a
21 dangerous or at-risk dog. Signs shall be visible from the closest road-
22 way.

23 (e) Require the owner or keeper to have the dog examined by a veteri-
24 narian or a dog trainer and to comply with any reasonable treatment or
25 training recommendations from such individuals.

26 (f) Order notification to the court on transfer of a dangerous or
27 at-risk dog to another.

28 (3) In the event a dog designated by a court as at-risk does not subse-
29 quently act in a manner consistent with the provisions of section 25-2810 (1)
30 or (2), Idaho Code, for a period of three (3) years, the restrictions and re-
31 quirements imposed by the court pursuant to subsection (2) of this section
32 shall be waived and the dog shall no longer be classified as at-risk.

33 (4) Any person who fails to comply with sanctions, restrictions and/or
34 requirements imposed by the court, pursuant to the provisions of this sec-
35 tion, shall be guilty of a violation and shall be subject to the provisions of
36 section 25-2812, Idaho Code.

37 (5) In the event of a violation of the provisions of section 25-2806,
38 Idaho Code, or the provisions of this section, an officer authorized to en-
39 force the provisions of this chapter may take the dog into custody and place
40 the dog in a suitable place, at a customary and reasonable expense to the
41 owner or keeper, pending final disposition of the charge against the owner or
42 keeper.

43 SECTION 11. That Chapter 28, Title 25, Idaho Code, be, and the same is
44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
45 ignated as Section 25-2812, Idaho Code, and to read as follows:

46 25-2812. PENALTY FOR VIOLATIONS. The following penalty provisions
47 shall apply to any owner or keeper of a dog that, subsequent to damaging a
48 companion or production animal as provided in section 25-2806(2) or (3),
49 Idaho Code, damages a domestic animal:

1 (1) A first violation shall constitute a misdemeanor, punishable for
2 each offense, by a jail sentence of not more than six (6) months or by a fine
3 of not less than one hundred dollars (\$100) or more than five thousand dol-
4 lars (\$5,000), or by both such fine and imprisonment.

5 (2) A second violation, within ten (10) years of the first conviction,
6 shall constitute a misdemeanor, punishable for each offense, by a jail sen-
7 tence of not more than six (6) months or by a fine of not less than two hundred
8 dollars (\$200) or more than seven thousand dollars (\$7,000), or by both such
9 fine and imprisonment.

10 (3) A third or subsequent violation, within ten (10) years of the first
11 conviction, shall constitute a misdemeanor, punishable for each offense,
12 by a jail sentence of not more than twelve (12) months or by a fine of not
13 less than five hundred dollars (\$500) or more than nine thousand dollars
14 (\$9,000), or by both such fine and imprisonment.

15 SECTION 12. That Chapter 28, Title 25, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 25-2813, Idaho Code, and to read as follows:

18 25-2813. LOCAL REGULATION. The provisions of this chapter shall not
19 supersede or invalidate existing ordinances of local governments or pro-
20 hibit local governments from adopting and enforcing ordinances that provide
21 for the control of dogs, provided such ordinances shall not be less restric-
22 tive than the provisions of this chapter. Such ordinances may provide for
23 more restrictive control of dogs than provided in this chapter and may in-
24 clude more restrictive definitions of a dangerous or at-risk dog, provided
25 such definitions are not specific to one (1) or several breeds of dogs.

26 SECTION 13. That Chapter 28, Title 25, Idaho Code, be, and the same is
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
28 ignated as Section 25-2814, Idaho Code, and to read as follows:

29 25-2814. SEVERABILITY. The provisions of this chapter are hereby de-
30 clared to be severable and if any provision of this chapter or the applica-
31 tion of such provision to any person or circumstance is declared invalid for
32 any reason, such declaration shall not affect the validity of the remaining
33 portions of this chapter.