

# 2004 SESSION

INTRODUCED

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## HOUSE BILL NO. 630

Offered January 14, 2004

Prefiled January 13, 2004

*A BILL to amend the Code of Virginia by adding a section numbered 3.1-796.127:2, relating to mauling by dogs; penalty.*

Patron—O'Bannon

Referred to Committee on Agriculture, Chesapeake and Natural Resources

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That the Code of Virginia is amended by adding a section numbered 3.1-796.127:2 as follows:**

*§ 3.1-796.127:2. Dogs that fight, attack, maul, or kill causing injury; negligence of owner or custodian; penalty.*

*A. Any person owning or having custody or control of a dog that fights, attacks, mauls, or kills is guilty of a Class 5 felony if as a result of that person's failure to exercise ordinary care, the dog bites a human being, causing substantial physical injury. No person shall be criminally liable under this section, however, unless he knew or reasonably should have known of the dangerous or vicious nature of the dog, or if the victim failed to take all the precautions that a reasonable person would ordinarily take in the same situation.*

*B. No action shall be brought under this section if a dog bite was inflicted upon a person pursuant to the provisions of subdivision C 2 of § 3.1-796.93:1 mutatis mutandis.*

*C. This section shall not apply to any veterinarian or on-duty animal control officer while in the performance of his duties or to any law-enforcement officer if he is assigned to a canine unit.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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