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## SENATE BILL NO. 698

Offered January 22, 2010

A *BILL to amend and reenact §§ 3.2-6500, 3.2-6502, 3.2-6507.3, 3.2-6511, 3.2-6540, 3.2-6546, 3.2-6548, 3.2-6549, 3.2-6555, 3.2-6557, 3.2-6574, and 3.2-6580 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 3.2-6501.1 and 3.2-6501.2, relating to the State Veterinarian; privatization of certain responsibilities related to companion animals; penalty.*

Patron—Vogel

Referred to Committee on Agriculture, Conservation and Natural Resources

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

**1. That §§ 3.2-6500, 3.2-6502, 3.2-6507.3, 3.2-6511, 3.2-6540, 3.2-6546, 3.2-6548, 3.2-6549, 3.2-6555, 3.2-6557, 3.2-6574, and 3.2-6580 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 3.2-6501.1 and 3.2-6501.2 as follows:**

§ 3.2-6500. Definitions.

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by

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59 naturally occurring states of hibernation or fasting normal for the species; and is provided in clean,  
60 durable receptacles that are accessible to each animal and are placed so as to minimize contamination of  
61 the water by excrement and pests or an alternative source of hydration consistent with generally  
62 accepted husbandry practices.

63 "Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from  
64 a releasing agency to an individual.

65 "Agricultural animals" means all livestock and poultry.

66 "Ambient temperature" means the temperature surrounding the animal.

67 "Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal  
68 means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman  
69 vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and  
70 customary manner.

71 "Animal control officer" means a person appointed as an animal control officer or deputy animal  
72 control officer as provided in § 3.2-6555.

73 "Animal shelter" means a facility, other than a private residential dwelling and its surrounding  
74 grounds, that is used to house or contain animals and that is owned, operated, or maintained by a  
75 nongovernmental entity including a humane society, animal welfare organization, society for the  
76 prevention of cruelty to animals, or any other organization operating for the purpose of finding  
77 permanent adoptive homes for animals.

78 "Boarding establishment" means a place or establishment other than a pound or animal shelter where  
79 companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

80 "Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the  
81 animal's neck in such a way as to prevent trauma or injury to the animal.

82 "Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or  
83 more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

84 "Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate,  
85 guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or  
86 native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any  
87 animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any  
88 animals regulated under federal law as research animals shall not be considered companion animals for  
89 the purposes of this chapter.

90 "Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the  
91 services of a boarding establishment. The term "consumer" shall not include a business or corporation  
92 engaged in sales or services.

93 "Dealer" means any person who in the regular course of business for compensation or profit buys,  
94 sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers:  
95 (i) any person who transports companion animals in the regular course of business as a common carrier;  
96 or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

97 "Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or  
98 life.

99 "Dump" means to knowingly desert, forsake, or absolutely give up without having secured another  
100 owner or custodian any dog, cat, or other companion animal in any public place including the  
101 right-of-way of any public highway, road or street or on the property of another.

102 "Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition,  
103 alleviate suffering, prevent further disease transmission, or prevent further disease progression.

104 "Enclosure" means a structure used to house or restrict animals from running at large.

105 "Euthanasia" means the humane destruction of an animal accomplished by a method that involves  
106 instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced  
107 by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

108 "Exhibitor" means any person who has animals for or on public display, excluding an exhibitor  
109 licensed by the U.S. Department of Agriculture.

110 "Facility" means a building or portion thereof as designated by the State Veterinarian, other than a  
111 private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or  
112 enclosures in which animals are housed or kept.

113 "Foster care provider" means an individual who provides care or rehabilitation for companion  
114 animals through an affiliation with a pound, animal shelter, or other releasing agency.

115 "Foster home" means a private residential dwelling and its surrounding grounds at which site through  
116 an affiliation with a pound, animal shelter, or other releasing agency care or rehabilitation is provided  
117 for companion animals.

118 "Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats  
119 for external parasites any animal.

120 "Home-based rescue" means any person that accepts: (i) more than 12 companion animals; or (ii)

more than nine companion animals and more than three unweaned litters of companion animals in a calendar year for the purpose of finding permanent adoptive homes for the companion animals and houses the companion animals in a private residential dwelling or uses a system of housing companion animals in private residential foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Pound" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any locality or incorporated society for the prevention of cruelty to animals.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private entity" means the party with whom the State Veterinarian has contracted to perform certain recordkeeping and inspection responsibilities pursuant to § 3.2-6501.1.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Releasing agency" means a pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue, that releases companion animals for adoption.

182 "Research facility" means any place, laboratory, or institution licensed by the U.S. Department of  
183 Agriculture at which scientific tests, experiments, or investigations involving the use of living animals  
184 are carried out, conducted, or attempted.

185 "Sanitize" means to make physically clean and to remove and destroy, to a practical minimum,  
186 agents injurious to health.

187 "Sore" means, when referring to an equine, that an irritating or blistering agent has been applied,  
188 internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that  
189 has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent  
190 that has been injected by a person into or used by a person on any limb or foot of an equine; any other  
191 substance or device that has been used by a person on any limb or foot of an equine; or a person has  
192 engaged in a practice involving an equine, and as a result of such application, infliction, injection, use,  
193 or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress,  
194 inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not  
195 include such an application, infliction, injection, use, or practice in connection with the therapeutic  
196 treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything  
197 contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action  
198 devices as permitted by 9 C.F.R. Part 11.2.

199 "State Veterinarian's deputy" or "deputy of the State Veterinarian" means any person, or any  
200 employee or agent of such person, granted contractual authority under § 3.2-6501.1 to fulfill certain  
201 recordkeeping and inspection responsibilities of the State Veterinarian under this chapter.

202 "Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed  
203 veterinarian that renders a dog or cat permanently incapable of reproducing.

204 "Treasurer" includes the treasurer and his assistants of each county or city or other officer designated  
205 by law to collect taxes in such county or city.

206 "Treatment" or "adequate treatment" means the responsible handling or transportation of animals in  
207 the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of  
208 the animal.

209 "Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

210 "Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid  
211 food or food customary for the adult of the species, and has ingested such food, without nursing, for a  
212 period of at least five days.

213 §3.2-6501.1. State Veterinarian to enter into public-private partnership.

214 A. The recordkeeping and inspection responsibilities assigned to the State Veterinarian under this  
215 chapter shall be conducted by a private entity, whose principals and employees shall be agents of the  
216 State Veterinarian for such purposes and shall be known as deputies of the State Veterinarian. The State  
217 Veterinarian shall retain his responsibility to maintain the Dangerous Dog Registry under § 3.2-6542.

218 B. The State Veterinarian, pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.),  
219 shall select a private entity to perform the recordkeeping and inspection responsibilities authorized  
220 under this chapter. Any contract entered into pursuant to this section between the State Veterinarian and  
221 the private entity shall be effective no later than March 1, 2011, and for a term no longer than five  
222 years. The State Veterinarian may elect to renew the contract of the private entity after the completion  
223 of any such five-year term. The private entity shall be considered a public body and, except as otherwise  
224 expressly provided by law, shall have the same obligations to disclose public records as other  
225 custodians of public records under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

226 C. Compensation owing to the private entity under the public-private partnership shall be derived  
227 solely from the Animal Welfare Fund established pursuant to § 3.2-6501.2.

228 § 3.2-6501.2. Animal Welfare Fund.

229 A. There is hereby established in the state treasury a special nonreverting fund to be known as the  
230 Animal Welfare Fund, hereinafter referred to as "the Fund." The Fund shall be established on the books  
231 of the Comptroller. The Fund shall consist of all moneys collected from civil penalties imposed under  
232 this chapter and such other moneys as may be made available from any other source, public or private.  
233 Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys  
234 remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the  
235 general fund but shall remain in the Fund. The Fund shall be administered by the Commissioner and  
236 used solely as provided for in subsection B.

237 B. The Commissioner is authorized to release money from the Fund on warrants issued by the  
238 Comptroller to compensate the private entity in accordance with the contract entered into between the  
239 State Veterinarian and the private entity pursuant to § 3.2-6501.1. Any moneys remaining in the Fund  
240 and not owing to the private entity at the end of each contract year shall be distributed, at the  
241 discretion of the Commissioner in consultation with the State Veterinarian and the private entity, to  
242 localities as grants to fund animal control expenses including efforts to increase the sterilization of cats  
243 and dogs.

§ 3.2-6502. State Veterinarian's power to inspect premises where animals are kept; investigations and search warrants.

A. The State Veterinarian and each State Veterinarian's *deputy or* representative shall have the power to conduct inspections of animal shelters, and inspect any business premises *or facility* where animals are housed or kept, including any boarding establishment, kennel, pet shop, pound, or the business premises of any dealer, exhibitor or groomer, at any reasonable time, for the purposes of determining if a violation of: (i) this chapter; (ii) any other state law governing the care, control or protection of animals; or (iii) any other state law governing property rights in animals has occurred.

B. Provisions for investigation of suspected violations of this chapter and other laws pertaining to animals are provided in § 3.2-6564. Provisions for obtaining a warrant and the power of search for violations of animal cruelty laws are provided in § 3.2-6568.

C. *The power of the State Veterinarian and each State Veterinarian's deputy or representative to conduct inspections shall not be impeded by the owner or supervisor of any business premises or facility and no owner, supervisor, employee, or agent thereof shall have the right to be present at such inspections.*

D. *Any person who interferes with the right of the State Veterinarian or State Veterinarian's deputy or representative to conduct any inspection shall be assessed a civil penalty not to exceed \$1,000. Such civil penalties shall be deposited into the Animal Welfare Fund established pursuant to § 3.2-6501.2.*

§ 3.2-6507.3. Right of entry.

A. The Commissioner, the State Veterinarian or his assistant *or deputy*, any animal control officer, and any public health or safety official employed by the locality where a commercial dog breeder resides or maintains breeding operations may, upon receiving a complaint or upon his own motion, investigate any violation of the provisions of this chapter. Such investigation may include (i) the inspection of the books and records of any commercial dog breeder, (ii) the inspection of any companion animal owned by the commercial dog breeder, and (iii) the inspection of any place where animals are bred or maintained. In conducting the inspection, the Commissioner or animal control officer may enter any premises where animals may be bred or maintained during daytime hours.

B. Any commercial dog breeder who is the subject of an investigation by the Commissioner, the State Veterinarian *or his deputy*, or an animal control officer shall, upon request, provide assistance to the Commissioner, the State Veterinarian *or his deputy*, or the animal control officer in making any inspection authorized by this section.

§ 3.2-6511. Failure of dealer or pet shop to provide adequate care; penalty.

Any dealer or pet shop that fails to adequately house, feed, water, exercise or care for animals in his or its possession or custody as provided for under this chapter is guilty of a Class 3 misdemeanor. Such animals shall be subject to seizure and impoundment, and upon conviction of such person the animals may be sold, euthanized, or disposed of as provided by § 3.2-6546 for licensed, tagged, or tattooed animals. Such failure is also grounds for revocation of a permit or certificate of registration after public hearing. Any funds that result from such sale shall be used first to pay the costs of the local jurisdiction for the impoundment and disposition of the animals, and any funds remaining shall be paid to the owner, if known. If the owner is not found, the remaining funds shall be paid into the Literary Fund deposited into the Animal Welfare Fund established pursuant to § 3.2-6501.2.

§ 3.2-6540. Control of dangerous or vicious dogs; penalties.

A. As used in this section:

"Dangerous dog" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. When a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous: (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite; (ii) if both animals are owned by the same person; (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian; or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

"Vicious dog" means a canine or canine crossbreed that has: (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

B. Any law-enforcement officer or animal control officer who has reason to believe that a canine or

305 canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate  
306 serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to  
307 appear before a general district court at a specified time. The summons shall advise the owner of the  
308 nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an  
309 application for the issuance of a summons, he shall contact the local animal control officer and inform  
310 him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or  
311 vicious. The animal control officer shall confine the animal until such time as evidence shall be heard  
312 and a verdict rendered. If the animal control officer determines that the owner or custodian can confine  
313 the animal in a manner that protects the public safety, he may permit the owner or custodian to confine  
314 the animal until such time as evidence shall be heard and a verdict rendered. The court, through its  
315 contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If,  
316 after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the  
317 animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court  
318 finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the  
319 provisions of § 3.2-6562. The court, upon finding the animal to be a dangerous or vicious dog, may  
320 order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person  
321 injured by the animal or whose companion animal was injured or killed by the animal. The procedure  
322 for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as  
323 provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be  
324 required to prove its case beyond a reasonable doubt.

325 C. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely  
326 because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed  
327 prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or  
328 damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises  
329 occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the  
330 premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically  
331 abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the  
332 animal at other times. No police dog that was engaged in the performance of its duties as such at the  
333 time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that,  
334 at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its  
335 kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous  
336 dog or a vicious dog.

337 D. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal  
338 guardian shall be responsible for complying with all requirements of this section.

339 E. The owner of any animal found to be a dangerous dog shall, within 10 days of such finding,  
340 obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee  
341 of \$50, in addition to other fees that may be authorized by law. The local animal control officer or  
342 treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a  
343 dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the  
344 collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually  
345 for the same fee and in the same manner as the initial certificate was obtained. The animal control  
346 officer shall provide a copy of the dangerous dog registration certificate and verification of compliance  
347 to the State Veterinarian.

348 F. All dangerous dog registration certificates or renewals thereof required to be obtained under this  
349 section shall only be issued to persons 18 years of age or older who present satisfactory evidence: (i) of  
350 the animal's current rabies vaccination, if applicable; (ii) that the animal has been neutered or spayed;  
351 and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside  
352 the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the  
353 proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under  
354 this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence  
355 that: (i) their residence is and will continue to be posted with clearly visible signs warning both minors  
356 and adults of the presence of a dangerous dog on the property; and (ii) the animal has been permanently  
357 identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or  
358 renewals thereof required to be obtained under this section shall only be issued to persons who present  
359 satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000,  
360 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability  
361 insurance, to the value of at least \$100,000.

362 G. While on the property of its owner, an animal found to be a dangerous dog shall be confined  
363 indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its  
364 escape or direct contact with or entry by minors, adults, or other animals. The structure shall be  
365 designed to provide the animal with shelter from the elements of nature. When off its owner's property,  
366 an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to

cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

H. The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under § 3.2-6542, within 45 days of such a finding by any appropriate court.

The owner shall also cause the local animal control officer to be promptly notified of: (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

I. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal: (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

J. Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;

2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

3. Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

K. The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

L. All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under ~~§ 3.2-6556~~ *the Animal Welfare Fund established pursuant to § 3.2-6501.2.*

M. The governing body of any locality may enact an ordinance parallel to this statute regulating dangerous and vicious dogs. No locality may impose a felony penalty for violation of such ordinances.

§ 3.2-6546. County or city pounds; confinement and disposition of animals; affiliation with foster care providers; penalties; injunctive relief.

A. For purposes of this section:

"Animal" shall not include agricultural animals.

"Rightful owner" means a person with a right of property in the animal.

B. The governing body of each county or city shall maintain or cause to be maintained a pound and shall require dogs running at large without the tag required by § 3.2-6531 or in violation of an ordinance passed pursuant to § 3.2-6538 to be confined therein. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a pound. The governing body of any county or city need not own the facility required by this section but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. The governing body shall require that:

1. The pound shall be accessible to the public at reasonable hours during the week;

2. The pound shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each pound shall update such statement as changes occur;

3. If a person contacts the pound inquiring about a lost companion animal, the pound shall advise the person if the companion animal is confined at the pound or if a companion animal of similar description is confined at the pound;

4. The pound shall maintain a written record of the information on each companion animal submitted to the pound by an animal shelter in accordance with subsection D of § 3.2-6548 for a period of 30 days from the date the information is received by the pound. If a person contacts the pound inquiring

about a lost companion animal, the pound shall check its records and make available to such person any information submitted by an animal shelter or allow such person inquiring about a lost animal to view the written records;

5. The pound shall maintain a written record of the information on each companion animal submitted to the pound by a releasing agency other than a pound or animal shelter in accordance with subdivision F 2 of § 3.2-6549 for a period of 30 days from the date the information is received by the pound. If a person contacts the pound inquiring about a lost companion animal, the pound shall check its records and make available to such person any information submitted by such releasing agency or allow such person inquiring about a lost companion animal to view the written records; and

6. The pound shall maintain a written record of the information on each companion animal submitted to the pound by an individual in accordance with subdivision A 2 of § 3.2-6551 for a period of 30 days from the date the information is received by the pound. If a person contacts the pound inquiring about a lost companion animal, the pound shall check its records and make available to such person any information submitted by the individual or allow such person inquiring about a lost companion animal to view the written records.

C. An animal confined pursuant to this section shall be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.

The operator or custodian of the pound shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded. In addition to this and any other fees that might be levied, the locality may, after a public hearing, adopt an ordinance to charge the owner of an animal a fee for impoundment and increased fees for subsequent impoundments of the same animal.

D. If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection C, it shall be deemed abandoned and become the property of the pound.

Such animal may be euthanized in accordance with the methods approved by the State Veterinarian or disposed of by the methods set forth in subdivisions 1 through 5. No pound shall release more than two animals or a family of animals during any 30-day period to any one person under subdivisions 2, 3, or 4.

1. Release to any humane society, animal shelter, or other releasing agency within the Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;

2. Adoption by a resident of the county or city where the pound is operated and who will pay the required license fee, if any, on such animal, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

3. Adoption by a resident of an adjacent political subdivision of the Commonwealth, if the resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

4. Adoption by any other person, provided that such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and provided that no dog or cat may be adopted by any person who is not a resident of the county or city where the pound is operated, or of an adjacent political subdivision, unless the dog or cat is first sterilized, and the pound may require that the sterilization be done at the expense of the person adopting the dog or cat; or

5. Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter, or other releasing agency: (i) maintains records that would comply with § 3.2-6557; (ii) requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its directors, operators, staff, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has provided to the pound, animal shelter, or other releasing agency within the Commonwealth a statement signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of this chapter.



For purposes of recordkeeping, release of an animal by a pound to a pound, animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the treasurer of the locality. Any proceeds deriving from the gift, sale, or delivery of such animals by an animal shelter or other releasing agency shall be paid directly to the clerk or treasurer of the animal shelter or other releasing agency for the expenses of the society and expenses incident to any agreement concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except for the aforementioned purposes.

E. Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

F. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions 1 through 5 of subsection D of an animal that has been released to a pound, animal shelter, other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner has read and signed a statement: (i) surrendering all property rights in such animal; (ii) stating that no other person has a right of property in the animal; and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions 1 through 5 of subsection D.

G. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification that, based on the written statement of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as required by § 3.2-6557. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.

H. No pound shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and each pound shall update such statement as changes occur. The pound shall maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the pound has an affiliation with the foster care provider.

I. A pound that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

J. If a pound finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.

K. The governing body shall require that the pound be operated in accordance with regulations issued by the Board. If this chapter or such regulations are violated, the locality ~~may~~ *shall* be assessed a civil penalty by the Board or its designee in an amount that does not exceed \$1,000 per violation. Each day of the violation is a separate offense. In determining the amount of any civil penalty, the Board or its designee shall consider: (i) the history of previous violations at the pound; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the locality to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a ~~special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter~~ *the Animal Welfare Fund established pursuant to § 3.2-6501.2. The Board may delegate its power under this subsection to the deputy of the State Veterinarian.*

L. If this chapter or any laws governing pounds are violated, the Commissioner, ~~the State Veterinarian, or the State Veterinarian's deputy or representative~~ may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding pounds, in the circuit court where the pound is located. The Commissioner, ~~the State Veterinarian, or the State Veterinarian's deputy or representative~~ may request the Attorney General to bring such an action, when appropriate.

§ 3.2-6548. Animal shelters; confinement and disposition of animals; affiliation with foster care providers; penalties; injunctive relief.

A. An animal shelter may confine and dispose of animals in accordance with the provisions of subsections B through G of § 3.2-6546.

B. Each animal shelter shall obtain a signed statement from each of its directors, operators, staff, and animal caregivers specifying that the individual has never been convicted of animal cruelty, neglect, or abandonment, and each animal shelter shall update such statement as changes occur.

551 C. The State Veterinarian or his *deputy or* representative shall inspect an animal shelter prior to the  
552 animal shelter confining or disposing of animals pursuant to this section. The animal shelter shall meet  
553 the requirements of all laws with regard to confinement and disposition of animals before the animal  
554 shelter is approved to receive animals and provide a reasonable and comfortable climate appropriate for  
555 the age, species, condition, size, and type of animal.

556 D. An animal shelter that confines an animal that has not been received from its owner shall,  
557 pursuant to this section, transmit a description of the animal including at least species, color, breed, size,  
558 sex, and other identification or markings and where the animal was found, and its contact information,  
559 including its name, address, and telephone number, to the pound in the county or city where the animal  
560 was found within 48 hours of the animal shelter receiving the animal. An animal shelter that confines  
561 and disposes of animals pursuant to this subsection shall be accessible to the public at reasonable hours,  
562 shall have its telephone number and address listed in a telephone directory, and shall post its contact  
563 information, including at least its name, address, and telephone number, in the pound in the locality  
564 where the animal shelter is located.

565 E. For purposes of recordkeeping, release of an animal by an animal shelter to a pound, animal  
566 shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not  
567 first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

568 F. No animal shelter shall place a companion animal in a foster home with a foster care provider  
569 unless the foster care provider has read and signed a statement specifying that he has never been  
570 convicted of animal cruelty, neglect, or abandonment, and the animal shelter shall update the statement  
571 as changes occur. The animal shelter shall maintain the original statement and any updates to such  
572 statement in accordance with this chapter and for at least so long as the animal shelter has an affiliation  
573 with the foster care provider.

574 G. An animal shelter that places a companion animal in a foster home with a foster care provider  
575 shall ensure that the foster care provider complies with § 3.2-6503.

576 H. If an animal shelter finds a direct and immediate threat to a companion animal placed with a  
577 foster care provider, it shall report its findings to the animal control agency in the locality where the  
578 foster care provider is located.

579 I. No animal shelter shall be operated in violation of any local zoning ordinance.

580 J. An animal shelter that confines and disposes of animals pursuant to this section shall be operated  
581 in accordance with this chapter. If this chapter is violated, the animal shelter ~~may~~ *shall* be assessed a  
582 civil penalty by the Board or its designee in an amount that does not exceed \$1,000 per violation. Each  
583 day of the violation is a separate offense. In determining the amount of any civil penalty, the Board or  
584 its designee shall consider: (i) the history of previous violations at the animal shelter; (ii) whether the  
585 violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of  
586 the animal shelter to achieve compliance after notification of the violation. All civil penalties assessed  
587 under this section shall be recovered in a civil action brought by the Attorney General in the name of  
588 the Commonwealth. Such civil penalties shall be paid into a ~~special fund in the state treasury to the~~  
589 ~~credit of the Department to be used in carrying out the purposes of this chapter~~ *the Animal Welfare*  
590 *Fund established pursuant to § 3.2-6501.2. The Board may delegate its power under this subsection to*  
591 *the deputy of the State Veterinarian.*

592 K. If this chapter or any laws governing animal shelters are violated, the Commissioner, *the State*  
593 *Veterinarian, or the State Veterinarian's deputy or representative* may bring an action to enjoin the  
594 violation or threatened violation of this chapter or the regulations pursuant thereto regarding animal  
595 shelters, in the circuit court where the animal shelter is located. The Commissioner, *the State*  
596 *Veterinarian, or the State Veterinarian's deputy or representative* may request the Attorney General to  
597 bring such an action, when appropriate.

598 § 3.2-6549. Releasing agencies other than pounds or animal shelters; confinement and disposition of  
599 companion animals; recordkeeping; affiliation with foster care providers; penalties.

600 A. A releasing agency other than a pound or animal shelter:

601 1. May confine and dispose of companion animals in accordance with subsections B through G of  
602 § 3.2-6546; and

603 2. Shall keep accurate records of each companion animal received for two years from the date of  
604 disposition of the companion animal. Records shall: (i) include a description of the companion animal  
605 including species, color, breed, sex, approximate weight, age, reason for release, owner's or finder's  
606 name, address and telephone number, license number or other identifying tags or markings, as well as  
607 disposition of the companion animal; and (ii) be made available upon request to the Department, animal  
608 control officers, and law-enforcement officers at mutually agreeable times. A releasing agency other than  
609 a pound or animal shelter shall submit a summary of such records to the *deputy of the State*  
610 *Veterinarian* annually in a format prescribed by him, wherein a post office box may be substituted for a  
611 home address.

612 3. For purposes of recordkeeping, release of a companion animal by a releasing agency to a pound,

animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

B. Each releasing agency other than a pound or animal shelter shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each such releasing agency shall update such statement as changes occur.

C. No releasing agency other than a pound or animal shelter shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that the foster care provider has never been convicted of animal cruelty, neglect, or abandonment, and such releasing agency shall update the statement as changes occur. A releasing agency other than a pound or animal shelter shall maintain the original statement and any updates to such statement for so long as the releasing agency has an affiliation with the foster care provider.

D. A releasing agency other than a pound or animal shelter that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

E. If a releasing agency other than a pound or animal shelter finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the area where the foster care provider is located.

F. Any releasing agency other than a pound or animal shelter that finds a companion animal or receives a companion animal that has not been released by its owner and: (i) provides care or safekeeping; or (ii) takes possession of such companion animal shall, within 48 hours:

1. Make a reasonable attempt to notify the owner of the companion animal, if the owner can be ascertained from any tag, license, collar, tattoo, or other identification or markings, or if the owner of the companion animal is otherwise known to the releasing agency; and

2. Notify the pound that serves the locality where the companion animal was found and provide to the pound contact information including at least a name and a contact telephone number, a description of the companion animal including at least species, breed, sex, size, color, information from any tag, license, collar, tattoo, or other identification or markings, and the location where the companion animal was found.

G. A releasing agency other than a pound or animal shelter shall comply with the provisions of § 3.2-6503.

H. No releasing agency other than a pound or animal shelter shall be operated in violation of any local zoning ordinance.

I. A releasing agency other than a pound or animal shelter that violates any provision of this section, other than subsection G, may be subject to a civil penalty not to exceed \$250.

§ 3.2-6555. Position of animal control officer created.

The governing body of each county or city shall, or each town may, employ an officer to be known as the animal control officer who shall have the power to enforce this chapter, all ordinances enacted pursuant to this chapter and all laws for the protection of domestic animals. The governing body may also employ one or more deputy animal control officers to assist the animal control officer in the performance of his duties. Animal control officers and deputy animal control officers shall have knowledge of the animal control and protection laws of the Commonwealth that they are required to enforce. When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law-enforcement officer as defined in § 9.1-101, to any person found in the act of violating any such law or any ordinance enacted pursuant to such law of the locality where the animal control officer or deputy animal control officer is employed. Commercial dog breeding locations shall be subject to inspection by animal control at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations. The animal control officer and the deputy animal control officers shall be paid as the governing body of each locality shall prescribe.

Any locality where an animal control officer or deputy animal control officers have been employed may contract with one or more additional localities for enforcement of animal protection and control laws by the animal control officers or deputy animal control officers. Any such contract may provide that the locality employing the animal control officer or deputy animal control officers shall be reimbursed a portion of the salary and expenses of the animal control officer or deputy animal control officers.

Every locality employing an animal control officer shall submit to the *deputy of the State Veterinarian*, on a form provided by him, information concerning the employment and training status of the animal control officers employed by the locality. The *deputy of the State Veterinarian* may require

674 that the locality notify him of any change in such information.

675 § 3.2-6557. Animal control officers and humane investigators; limitations; records; penalties.

676 A. No animal control officer, humane investigator, humane society or custodian of any pound or  
677 animal shelter shall: (i) obtain the release or transfer of an animal by the animal's owner to such animal  
678 control officer, humane investigator, humane society or custodian for personal gain; or (ii) give or sell  
679 or negotiate for the gift or sale to any individual, pet shop, dealer, or research facility of any animal that  
680 may come into his custody in the course of carrying out his official assignments. No animal control  
681 officer, humane investigator or custodian of any pound or animal shelter shall be granted a dealer's  
682 license. Violation of this subsection is a Class 1 misdemeanor. Nothing in this section shall preclude any  
683 animal control officer or humane investigator from lawfully impounding any animal pursuant to  
684 § 3.2-6569.

685 B. An animal control officer, law-enforcement officer, humane investigator or custodian of any  
686 pound or animal shelter, upon taking custody of any animal in the course of his official duties, or any  
687 representative of a humane society, upon obtaining custody of any animal on behalf of the society, shall  
688 immediately make a record of the matter. Such record shall include:

689 1. The date on which the animal was taken into custody;

690 2. The date of the making of the record;

691 3. A description of the animal including the animal's species, color, breed, sex, approximate age and  
692 approximate weight;

693 4. The reason for taking custody of the animal and the location where custody was taken;

694 5. The name and address of the animal's owner, if known;

695 6. Any license or rabies tag, tattoo, collar or other identification number carried by or appearing on  
696 the animal; and

697 7. The disposition of the animal.

698 Records required by this subsection shall be maintained for at least five years, and shall be available  
699 for public inspection upon request. A summary of such records shall be submitted annually to the *deputy*  
700 *of the State Veterinarian* in a format prescribed by him.

701 C. Any animal control officer or custodian of any pound who violates any provision of this chapter  
702 that relates to the seizure, impoundment and custody of animals by an animal control officer may be  
703 subject to suspension or dismissal from his position.

704 D. Custodians and animal control officers engaged in the operation of a pound shall be required to  
705 have knowledge of the laws of the Commonwealth governing animals, including this chapter, as well as  
706 basic animal care.

707 § 3.2-6574. Sterilization of adopted dogs and cats; enforcement; civil penalty.

708 A. Every new owner of a dog or cat adopted from a releasing agency shall cause to be sterilized the  
709 dog or cat pursuant to the agreement required by subdivision 2 of subsection B of this article.

710 B. A dog or cat shall not be released for adoption from a releasing agency unless:

711 1. The animal has already been sterilized; or

712 2. The individual adopting the animal signs an agreement to have the animal sterilized by a licensed  
713 veterinarian: (i) within 30 days of the adoption, if the animal is sexually mature; or (ii) within 30 days  
714 after the animal reaches six months of age, if the animal is not sexually mature at the time of adoption.

715 C. A releasing agency may extend for 30 days the date by which a dog or cat must be sterilized on  
716 presentation of a written report from a veterinarian stating that the life or health of the adopted animal  
717 may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and  
718 the releasing agency may negotiate the terms of an extension of the date by which the animal must be  
719 sterilized.

720 D. Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the  
721 written agreement of the veterinarian, the releasing agency, and the new owner.

722 E. Upon the petition of an animal control officer, humane investigator, the State Veterinarian or a  
723 State Veterinarian's *deputy or* representative to the district court of the county or city where a violation  
724 of this article occurs, the court may order the new owner to take any steps necessary to comply with the  
725 requirements of this article. This remedy shall be exclusive of and in addition to any civil penalty that  
726 may be imposed under this article.

727 F. Any person who violates subsection A or B of this section shall be subject to a civil penalty not  
728 to exceed \$50.

729 § 3.2-6580. Civil penalties.

730 Any animal control officer, humane investigator, releasing agency, the State Veterinarian or State  
731 Veterinarian's *deputy or* representative shall be entitled to bring a civil action for any violation of this  
732 article that is subject to a civil penalty. Any civil penalty assessed pursuant to this article shall be paid  
733 into the ~~treasury of the city or county where such civil action is brought and used for the purpose of~~  
734 ~~defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs~~  
735 *Animal Welfare Fund established pursuant to § 3.2-6501.2.*

736 2. That the Virginia Department of Agriculture and Consumer Services, by September 1, 2010,  
737 and pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia),  
738 shall develop and distribute requests for proposals to implement this act.

INTRODUCED

SB698