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**HOUSE BILL NO. 740**

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend and reenact § 3.2-6552 of the Code of Virginia, relating to the killing of a dog chasing or injuring livestock or poultry.*

Patrons—McClellan and Toscano

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That § 3.2-6552 of the Code of Virginia is amended and reenacted as follows:****§ 3.2-6552. Dogs killing, injuring, or chasing livestock or poultry.**

A. It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. *However, a locality with a population density of at least 3,400 persons per square mile, as counted in the most recent decennial census, may by ordinance limit or eliminate the duty of a local animal control officer to kill a dog killing or injuring noncommercial poultry forthwith.*

B. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight ~~as shall any~~. Any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock *shall have the right to kill such dog on sight. However, a locality may by ordinance limit or eliminate the right of such person or owner of livestock or his agent to kill a dog on sight.* Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

C. Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. *However, a locality meeting the criteria provided in subsection A may by ordinance limit or eliminate the authority of a local animal control officer who has reason to believe that any dog is killing noncommercial poultry to seize such dog for examination.* Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed immediately.

INTRODUCED

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