

17105053D

HOUSE BILL NO. 1900

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Rules

on January 31, 2017)

(Patron Prior to Substitute—Delegate Howell)

A BILL to amend and reenact § 3.2-6538 of the Code of Virginia, relating to dogs running at large; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6538 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6538. Dogs running at large; civil penalty.

A. For purposes of this section, a dog shall be deemed to be running at large while it is roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

B. The governing body of any locality may prohibit the running at large of all or any category of dogs in all or any designated portion of such locality during such months as they it may designate. Governing bodies may also require that dogs be confined, restricted, or penned up during such periods. For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large, or remain unconfined, unrestricted, or not penned up shall be deemed to have violated the provisions of an ordinance adopted pursuant to this section subsection.

C. Notwithstanding any other provision of law, general or special, any owner or custodian of a dog who, without permission, allows it to run at large onto the property of another for the purpose of hunting or chasing game and in a manner that unduly burdens the quiet use and enjoyment of the property after receiving appropriate notice by the landowner, his agent, or the lessee that hunting or chasing game with dogs without permission is forbidden on such property shall, in addition to any other available remedy, be subject to a civil penalty not to exceed \$100 for the first occurrence and \$250 per occurrence for a second or subsequent occurrence on such property. Appropriate notice shall be notice given in writing or by placing signs prohibiting dogs where the signs may reasonably be seen.

For purposes of this subsection, there may be no more than one actionable occurrence per owner or custodian within any single 24-hour period, and no dog shall be restrained or otherwise detained by the landowner, lessee, or agent, except for the purpose of prompt identification.

Any penalty provided pursuant to this subsection shall be imposed by a court of competent jurisdiction upon a finding by such court that the owner or custodian was in violation of this subsection and following a summons issued for a violation of this subsection by any animal control officer, conservation police officer, or other law-enforcement officer, or by the court pursuant to a civil action initiated by the affected landowner or lessee. Any civil penalty assessed pursuant to this subsection shall be paid into the treasury of the county or city where such civil action is brought and used for the purpose of defraying the costs of local animal control.