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SENATE BILL NO. 1135

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 26, 2021)

(Patron Prior to Substitute—Senator Marsden)

A BILL to amend and reenact §§ 3.2-6540 and 3.2-6542 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 3.2-6540.01 through 3.2-6540.04, 3.2-6541.1, 3.2-6542.1, 3.2-6542.2, 3.2-6543.1, 3.2-6562.2, and 18.2-52.2 relating to dangerous dogs; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6540 and 3.2-6542 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 3.2-6540.01 through 3.2-6540.04, 3.2-6541.1, 3.2-6542.1, 3.2-6542.2, 3.2-6543.1, 3.2-6562.2, and 18.2-52.2 as follows:

§ 3.2-6540. Dangerous dogs; investigation, summons, and hearing.

A. As used in this section, "dangerous dog" means: *includes*

1. A canine or a hybrid canine crossbreed that has bitten, attacked, or inflicted injury on a companion animal that is a dog or cat or killed a companion animal that is a dog or cat as defined in § 3.2-6581.

A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that (i) 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) both animals are owned by the same person; or (iii) such attack occurred on the property of the attacking or biting dog's owner or custodian; or

2. A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.

B. 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 shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.

C. Any law-enforcement officer or animal control officer who (i) has reason to believe that a canine or canine crossbreed within his jurisdiction an animal is a dangerous dog and (ii) is located in the jurisdiction where the animal resides or in the jurisdiction where the act was committed may apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue.

C. No law-enforcement officer or animal control officer shall apply for a summons pursuant to subsection B if, upon investigation, the officer finds (i) in the case of an injury to a companion animal that is a dog or cat, that no serious injury has occurred as a result of the attack or bite, that both animals are owned by the same person, or that the incident originated on the property of the attacking or biting dog's owner or (ii) in the case of an injury to a person, that the injury caused by the dog upon the person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury. In determining whether serious injury to a companion animal that is a dog or cat has occurred, the officer may consult with a licensed veterinarian.

D. A law-enforcement officer or animal control officer who applies for a summons pursuant to subsection B shall provide the owner with written notice of such application. For 30 days following such provision of written notice, the owner shall not dispose of the animal other than by surrender to the animal control officer or by euthanasia by a licensed veterinarian. Following such provision of written notice, an owner who elects to euthanize a dog that is the subject of a dangerous dog investigation shall provide documentation of such euthanasia to the animal control officer.

E. If a law-enforcement officer successfully makes an application for the issuance of a summons pursuant to subsection B, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous.

~~The F. Following the issuance of a summons following an application pursuant to subsection B, an animal control officer shall may confine the animal until such time as the evidence shall be is heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as the evidence shall be is heard and a verdict rendered. Upon being served with~~

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60 a summons for a dangerous dog, the owner shall not dispose of the animal, other than by euthanasia,
61 until the case has been adjudicated. The court, through its contempt powers, may compel the owner;
62 custodian, or harbinger of the animal to produce the animal and to provide documentation that it has
63 been, or will be within three business days, implanted with electronic identification registered to the
64 owner. The owner shall provide the registration information to the animal control officer.

65 G. Nothing in this section shall prohibit an animal control officer or law-enforcement officer from
66 securing a summons for a hearing to determine whether a dog that is surrendered but not euthanized is
67 a dangerous dog.

68 H. Unless good cause is determined by the court, the evidentiary hearing pursuant to the dangerous
69 dog summons shall be held not more than 30 days from the issuance of the summons. The procedure for
70 appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as
71 provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be
72 required to prove its case beyond a reasonable doubt. The court shall determine that the animal is a
73 dangerous dog if the evidence shows that it (i) killed a companion animal that is a dog or cat or
74 inflicted serious injury on a companion animal that is a dog or cat, including a serious impairment of
75 health or bodily function that requires significant medical attention, a serious disfigurement, any injury
76 that has a reasonable potential to cause death, or any injury other than a sprain or strain or (ii)
77 directly caused serious injury to a person, including laceration, broken bone, or substantial puncture of
78 skin by teeth. Unless good cause is determined by the court, the appeal of a dangerous dog finding shall
79 be heard within 30 days.

80 D. I. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court
81 shall:

82 1. Shall order the animal's owner to comply with the provisions of this section. The court, upon
83 finding the animal to be a dangerous dog, may and §§ 3.2-6540.01, 3.2-6542, and 3.2-6542.1;

84 2. May order the owner, custodian, or harbinger thereof of the animal to pay restitution for actual
85 damages to any person injured by the animal or whose companion animal was injured or killed by the
86 animal. The court, in its discretion, may also Such order shall not preclude the injured person from
87 pursuing civil remedies, including damages that accrue after the original finding that the animal is a
88 dangerous dog; and

89 3. May order the owner to pay all reasonable expenses incurred in caring and providing for such
90 dangerous dog from the time the animal is taken into custody until such time as the animal is disposed
91 of or returned to the owner.

92 E. J. If, after hearing the evidence, the court decides to defer further proceedings without entering an
93 adjudication that the animal is a dangerous dog, it may do so, notwithstanding any other provision of
94 this section. A court that defers further proceedings shall place specific conditions upon the owner of the
95 dog, including the requirement that the owner provide documentation that the dog has been, or will be
96 within three business days, implanted with electronic identification registered to the owner. The
97 registration information shall be provided to the animal control officer. If the owner violates any of the
98 conditions, the court may enter an adjudication that the animal is a dangerous dog and proceed as
99 otherwise provided in this section. Upon fulfillment of the conditions, the court shall dismiss the
100 proceedings against the animal and the owner without an adjudication that the animal is a dangerous
101 dog.

102 F. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial
103 by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The
104 Commonwealth shall be required to prove its case beyond a reasonable doubt.

105 G. K. No canine or canine crossbreed animal shall be found by the court to be a dangerous dog
106 solely:

107 1. Solely because it is a particular breed; nor is the ownership of a particular breed of canine or
108 canine crossbreed prohibited;.

109 H. No animal shall be found to be a dangerous dog if 2. If the threat, injury, or damage was
110 sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the
111 animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied
112 by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or
113 can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.
114 No;

115 3. If the animal is a police dog that was engaged in the performance of its duties as such at the time
116 of the acts act complained of shall be found to be a dangerous dog. No animal that;

117 4. If at the time of the acts complained of, the animal was responding to pain or injury, or was
118 protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found
119 to be a dangerous dog;.

120 5. As a result of killing or inflicting serious injury on a dog or cat while engaged with its owner as
121 part of lawful hunting or participating in an organized, lawful dog handling event; or

6. *If the court determines based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.*

I. L. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section and §§ 3.2-6540.01, 3.2-6540.02, 3.2-6540.03, 3.2-6540.04, 3.2-6542, and 3.2-6542.1.

J. The owner of any animal found to be a dangerous dog shall, within 30 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of \$150, in addition to other fees that may be authorized by law. The local animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85 and in the same manner as the initial certificate was obtained. The animal control officer shall post registration information on the Virginia Dangerous Dog Registry.

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

L. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to § 3.2-6503. When off its owner's property, 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.

M. The owner shall 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) chip identification information; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

N. 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; (ii) bites a person or attacks another animal; or (iii) is sold, is 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.

O. 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.

P. 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.

Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal.

Upon conviction, the court may (i) order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562 or (ii) grant the owner up to 30 days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

Q. 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 and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry, 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.

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

§ 3.2-6540.01. Obligations of officer and owner following dangerous dog finding.

A. After an animal is found to be a dangerous dog pursuant to § 3.2-6540, the local animal control officer or treasurer shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times.

B. Within 30 days of the finding that an animal is a dangerous dog pursuant to § 3.2-6540, the owner shall:

1. Provide documentation that the animal has been neutered or spayed;

2. Provide documentation that the animal has been implanted with electronic identification registered to the owner. The registration information shall be provided to the animal control officer;

3. Present satisfactory evidence to the animal control officer of liability insurance coverage, to the value of at least \$100,000, that covers animal bites. The owner may obtain and maintain a bond in surety to the value of at least \$100,000 in lieu of liability insurance;

4. Pay to the local governing body a fee of \$150 and under the direction of the animal control officer complete a dangerous dog registration certificate issued by the Department pursuant to § 3.2-6542. No dangerous dog registration certificate required to be obtained under this section shall be issued to any person younger than 18 years of age; and

5. Post the residence where the animal is housed with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property. Such signs shall remain posted at all points of entry to the home and yard as long as the animal remains on the property.

C. Any dangerous dog not confined inside a locked enclosure constructed pursuant to subsection D shall be (i) confined inside the owner's residence or (ii) if outdoors, controlled by a leash employed by the responsible adult owner and securely muzzled in a manner that does not cause injury to the animal or interfere with the animal's vision or respiration but prevents it from biting a person or another animal.

D. Any owner of a dangerous dog who keeps the dog outdoors and not within the immediate physical presence of its owner shall, within 30 days of the finding that an animal is a dangerous dog, cause to be constructed a secure, locked enclosure of sufficient height and design to prevent escape by the animal or entry by or direct physical contact with any person or other animal. While so confined within the structure, the animal shall be provided for according to § 3.2-6503.

E. The owner of a dog found to be dangerous shall cause the local animal control officer to be promptly notified of (i) any change in the manner of locating the owner or the dog at any time; (ii) any transfer of ownership of the dog to a new owner, including the name and address of the new owner; (iii) any instance in which the animal is loose or unconfined; (iv) any complaint or incident of attack or bite by the dog upon any person or cat or dog; (v) any claim made or lawsuit brought as a result of any attack; and (vi) the escape, loss, or death of the dog.

F. Unless for good cause shown, the owner of a dangerous dog shall notify the animal control officer at least 10 days prior to moving or relocating the animal and the officer shall update the dangerous dog registry accordingly.

G. Any dangerous dog not reclaimed by the owner from the animal control officer within 10 days of notice to do so by such animal control officer shall be considered abandoned and may be disposed of

according to the provisions of § 3.2-6546.

§ 3.2-6540.02. Notice of dangerous dog finding; penalty.

A. Any releasing agency transferring or releasing for adoption within the Commonwealth an animal found to be a dangerous dog pursuant to § 3.2-6540 shall notify in writing the receiving party of the requirements of this section and §§ 3.2-6540, 3.2-6540.01, 3.2-6540.03, and 3.2-6540.04.

B. Any releasing agency transferring or releasing for adoption outside the Commonwealth an animal found to be a dangerous dog pursuant to § 3.2-6540 shall notify the appropriate animal control officer in the receiving jurisdiction that the animal has been so adjudicated.

C. Any owner of an animal found to be a dangerous dog in another state shall, upon bringing such animal to reside within the Commonwealth, notify the animal control officer of the jurisdiction in which the owner resides that the animal has been so adjudicated.

D. Any owner who disposes by surrender to a releasing agency, gift, sale, transfer, or trade of an animal found to be a dangerous dog pursuant to § 3.2-6540 shall notify the receiver in writing that the animal has been so adjudicated. A violation of this subsection is a Class 3 misdemeanor.

§ 3.2-6540.03. Violation of law by owner of dangerous dog; penalty.

A. If an owner of an animal previously found to be a dangerous dog pursuant to § 3.2-6540 is charged with a violation of § 3.2-6540, 3.2-6540.01, 3.2-6540.02, or 3.2-6540.04, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered pursuant to § 3.2-6540. Unless good cause is determined by the court, such evidentiary hearing shall be held within 30 days of the issuance of the summons. The court, through its contempt powers, may compel the owner of the animal to produce the animal.

B. Upon conviction, the court may (i) order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562 or (ii) grant the owner up to 30 days to comply with the requirements of § 3.2-6540.01, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562. The court may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

C. Any owner of a dangerous dog who is charged with a violation pursuant to subsection A and is found to have willfully failed to comply with the requirements of § 3.2-6540, 3.2-6540.01, 3.2-6540.02, or 3.2-6540.04 is guilty of a Class 1 misdemeanor. The court may determine that a person convicted under this subsection shall be prohibited from owning, possessing, or residing on the same property with a dog.

§ 3.2-6540.04. Subsequent attack or bite by dangerous dog; penalty.

A. Any owner of an animal found to be a dangerous dog pursuant to § 3.2-6540, when such finding arose out of a separate and distinct incident, is guilty of a:

1. Class 2 misdemeanor if such dog attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or

2. Class 1 misdemeanor if such dog bites a human being or attacks a human being causing bodily injury.

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

C. The court may determine that a person convicted under this section shall be prohibited from owning, possessing, or residing on the same property with a dog.

§ 3.2-6541.1. Authority to prohibit ownership of particular breed.

No locality shall prohibit the ownership of a particular breed of dog.

§ 3.2-6542. Establishment of Dangerous Dog Registry.

A. The Commissioner shall establish the Virginia Dangerous Dog Registry to be maintained by the Department, Office of Animal Care and Health Policy. The State Veterinarian shall maintain information provided and posted by animal control officers or other such officials statewide on a website. All information collected for the Dangerous Dog Registry shall be available to animal control officers via the website. The website list shall be known as the Virginia Dangerous Dog Registry.

B. Registration information shall include the name of the animal, a photograph, sex, age, weight, primary breed, secondary breed, color and markings, whether spayed or neutered, the acts that resulted in the dog being designated as dangerous and associated trial docket information, microchip or tattoo number, address where the animal is maintained, name of the owner, address of the owner, telephone numbers of the owner, and a statement that the owner has complied with the provisions of the dangerous dog order. The address of the owner along with the name and breed of the dangerous dog,

the acts that resulted in the dog being deemed found dangerous, and information necessary to access court records of the adjudication shall be available to the general public. By January 31 of each year, until such time as the dangerous dog is deceased, the owner shall submit to an animal control officer or other designated local official of the county or city in which he currently resides a renewal registration that shall include all information contained in the original registration and any updates. The owner shall verify the information is accurate by annual resubmissions. The animal control officer or other such official shall post any updates on the website. In the event that If the dangerous dog is moved to a different location, or contact information for the owner changes in any way at any time, the owner shall submit a renewal containing the address of the new location or other updated information within 10 days of such move or change to an animal control officer or other such official for the new location. There shall be no charge for any updated information provided between renewals.

C. Each county and or city shall submit to the State Veterinarian by January 31 of each year \$90 for each dangerous dog it initially registered and \$25 for each dangerous dog for which it renewed registration within the previous calendar year. Any funds collected pursuant to this section shall be used by the State Veterinarian to maintain the registry and website. The website list shall be known as the Virginia Dangerous Dog Registry.

D. Actions of the Department relating to the establishment, operation, and maintenance of the Virginia Dangerous Dog Registry under this section or § 3.2-6542.1 shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

E. Copies of all records, documents, and other papers pertaining to the Dangerous Dog Registry that are duly certified and authenticated in writing on the face of such documents to be true copies by the State Veterinarian or the Dangerous Dog Registry administrator shall be received as evidence with like effect as the original records, documents, or other papers in all courts of the Commonwealth.

§ 3.2-6542.1. Renewal of dangerous dog registration.

A. By January 31 of each year, until the animal is deceased, the owner of an animal found to be a dangerous dog pursuant to § 3.2-6540 shall update and renew the dangerous dog registration certificate obtained pursuant to § 3.2-6540.01 for a fee of \$85 in the same manner as the initial certificate was obtained. However, if the dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal shall be included in the initial registration at no additional charge to the owner.

B. Prior to the renewal date of a dangerous dog registration each year, a local animal control officer shall conduct an inspection of the dangerous dog and the premises on which it is kept, and no certificate of renewal shall be issued without such inspection. The animal control officer shall post registration information on the Virginia Dangerous Dog Registry established by § 3.2-6542.

C. No dangerous dog registration certificate required to be obtained under this section shall be issued to any person who is younger than 18 years of age or who fails to present satisfactory evidence of (i) compliance with the provisions of §§ 3.2-6540, 3.2-6540.01, 3.2-6540.02, 3.2-6540.03, and 3.2-6540.04; (ii) the animal's current rabies vaccination, if applicable; and (iii) a current county or city dog license, as appropriate.

§ 3.2-6542.2. Dangerous dog fees; local fund.

All fees collected by a locality pursuant to § 3.2-6540, 3.2-6540.01, 3.2-6540.02, 3.2-6540.03, 3.2-6540.04, 3.2-6542, or 3.2-6542.1, less the costs incurred by the animal control officer in producing and distributing any certificate or tag required by such section and any fees due to the Department for maintenance of the Virginia Dangerous Dog Registry established by § 3.2-6542, 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.

§ 3.2-6543.1. Authority to enact parallel dangerous dog ordinance.

The governing body of any locality may enact an ordinance regulating dangerous dogs that is parallel to § 3.2-6540, 3.2-6540.01, 3.2-6540.02, 3.2-6540.03, or 3.2-6540.04. No locality shall impose a felony penalty for violation of such ordinance.

§ 3.2-6562.2. Rabies exposure reports.

Each local department of health shall make available to its local animal control officer and shall report to the State Department of Health any exposure report involving a dog bite to a human that is maintained with such local department of health through a state-mandated retention period.

§ 18.2-52.2. Animal attack resulting from owner's disregard for human life; penalty.

A. Any owner of an animal is guilty of a Class 6 felony if his willful act or omission in the care, control, or containment of such animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such animal attacking and causing serious bodily injury to any person.

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

368 *attack.*

369 *C. The court may determine that a person convicted under this section shall be prohibited from*
 370 *owning, possessing, or residing on the same property with an animal of the type that led to such*
 371 *conviction.*

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