

House Bill 488

By: Representatives Hitchens of the 161st, Houston of the 170th, Burns of the 159th, Powell of the 32nd, Roberts of the 155th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 8 of Title 4 of the Official Code of Georgia Annotated,
2 relating to responsible dog ownership, so as to modify provisions relating to dangerous dogs;
3 to provide that a court order shall not be required where an owner of a dangerous dog
4 voluntarily relinquishes custody of such dog; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to
9 responsible dog ownership, is amended by revising Code Section 4-8-23, relating to
10 investigations by dog control officer, as follows:

11 "4-8-23.

12 (a) For purposes of this Code section, the term:

13 (1) 'Authority' means an animal control board or local board of health, as determined by
14 the governing authority of a local government.

15 (2) 'Mail' means to send by certified mail or statutory overnight delivery to the recipient's
16 last known address.

17 (b) Upon receiving a report of a dog believed to be subject to classification as a dangerous
18 dog or vicious dog within a dog control officer's jurisdiction, the dog control officer shall
19 make such investigations as necessary to determine whether such dog is subject to
20 classification as a dangerous dog or vicious dog.

21 (c) When a dog control officer determines that a dog is subject to classification as a
22 dangerous dog or vicious dog, the dog control officer shall mail a dated notice to the dog's
23 owner within 72 hours. Such notice shall include a summary of the dog control officer's
24 determination and shall state that the owner has a right to request a hearing from the
25 authority on the dog control officer's determination within 15 days after the date shown on
26 the notice. The notice shall also provide a form for requesting the hearing and shall state

27 that if a hearing is not requested within the allotted time, the dog control officer's
28 determination shall become effective for all purposes under this article.

29 (d) When a hearing is requested by a dog owner in accordance with subsection (c) of this
30 Code section, such hearing shall be scheduled within 30 days after the request is received;
31 provided, however, that such hearing may be continued by the authority for good cause
32 shown. At least ten days prior to the hearing, the authority conducting the hearing shall
33 mail to the dog owner written notice of the date, time, and place of the hearing. At the
34 hearing, the dog owner shall be given the opportunity to testify and present evidence and
35 the authority conducting the hearing shall receive other evidence and testimony as may be
36 reasonably necessary to sustain, modify, or overrule the dog control officer's determination.

37 (e) Within ten days after the hearing, the authority which conducted the hearing shall mail
38 written notice to the dog owner of its determination on the matter. If such determination
39 is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify
40 the date upon which that determination shall be effective. If the determination is that the
41 dog is to be euthanized pursuant to Code Section 4-8-26, the notice shall specify the date
42 by which the euthanasia shall occur.

43 (f) Judicial review of the authority's final decision may be had in accordance with Code
44 Section 50-13-19.

45 (g) Any other provision of this article notwithstanding, when an owner or custodian of a
46 dog that has seriously injured a human or presents a danger to humans voluntarily
47 relinquishes custody of such dog to a local governing authority or dog control officer, the
48 local governing authority or dog control officer may in their discretion direct that such dog
49 be euthanized without further legal action or procedure. In such case, whether such dog
50 presents a danger to humans shall be determined by the local governing authority or dog
51 control officer."

52 SECTION 2.

53 Said article is further amended by revising Code Section 4-8-25, relating to court ordered
54 euthanasia, as follows:

55 "4-8-25.

56 (a) The judge of any superior court of competent jurisdiction within this state may order
57 the euthanasia of a dog if the court finds, after notice and opportunity for hearing as
58 provided by Code Section 4-8-23, that the dog has seriously injured a human or presents
59 a danger to humans not suitable for control under this article and:

60 (1) The owner or custodian of the dog has been convicted of a violation of any state
61 criminal law and the crime was related to such dog; or

62 (2) Any local governmental authority has filed with the court a civil action requesting
63 the euthanasia of the dog.

64 (b) When an owner or custodian of a dog that has seriously injured a human or presents
65 a danger to humans voluntarily relinquishes custody of such dog to a local governing
66 authority or dog control officer, the local governing authority or dog control officer may
67 in their discretion direct that such dog be euthanized without further legal action or
68 proceedings and in such case, an order from the judge of the superior court shall not be
69 required. Whether such dog presents a danger to humans shall be determined by the local
70 governing authority or dog control officer."

71 **SECTION 3.**

72 All laws and parts of laws in conflict with this Act are repealed.