

Senate Bill 290

By: Senators Burke of the 11th and Crosby of the 13th

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 allow local governments to confer dog control
3 authority upon multiple individuals; to provide for the hearing of contested cases by superior
4 courts; to require dog owners to pay for reasonable confinement and housing expenses in
5 certain cases; to provide for an effective date and applicability; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to
10 responsible dog ownership, is amended by revising Code Section 4-8-22, relating to
11 designation of the dog control officer, as follows:

12 "4-8-22.

13 (a) A county's jurisdiction for the enforcement of this article shall be the unincorporated
14 area of the county, and a municipality's jurisdiction for such enforcement shall be the
15 territory within the corporate limits of the municipality.

16 (b) The governing authority of each local government shall designate an individual or
17 individuals as dog control officer or officers to aid in the administration and enforcement
18 of the provisions of this article. A person carrying out the duties of dog control officer
19 shall not be authorized to make arrests unless the person is a law enforcement officer
20 having the powers of arrest.

21 (c) Any county or municipality or any combination of such local governments may enter
22 into agreements with each other for the consolidation of dog control services under this
23 Code section."

24 **SECTION 2.**

25 Said article is further amended by revising Code Section 4-8-23, relating to investigations,
 26 notice, hearings, and determinations of dog control cases, as follows:

27 "4-8-23.

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

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

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

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

37 (c) ~~(b)~~ When a dog control officer determines that a dog is subject to classification as a
 38 dangerous dog or vicious dog, the dog control officer shall mail a dated notice to the dog's
 39 owner within 72 hours. Such notice shall include a summary of the dog control officer's
 40 determination and shall state that the owner has a right to request a hearing from ~~the~~
 41 ~~authority~~ a court of competent jurisdiction in the county where the owner resides on the
 42 dog control officer's determination within ~~15~~ seven days after the date shown on the notice.
 43 ~~The notice shall also provide a form for requesting the hearing and shall state that if~~ If a
 44 hearing is not requested within the allotted time, the dog control officer's determination
 45 shall become effective for all purposes under this article. If no owner can be found within
 46 a reasonable time, the dog may be released to an animal shelter or humanely euthanized.

47 (c) The municipal, superior, magistrate, and state courts of this state shall have jurisdiction
 48 to conduct hearings as provided in this Code section.

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

57 (e) ~~Within ten days after the hearing, the authority which conducted the hearing shall mail~~
 58 ~~written notice to the dog owner of its determination on the matter. If such determination~~
 59 ~~is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify~~
 60 ~~the date upon which that determination shall be effective. If the determination is that the~~

61 ~~dog is to be euthanized pursuant to Code Section 4-8-26, the notice shall specify the date~~
 62 ~~by which the euthanasia shall occur.~~
 63 ~~(f) Judicial review of the authority's final decision may be had in accordance with Code~~
 64 ~~Section 50-13-19."~~

65 **SECTION 3.**

66 Said article is further amended by revising Code Section 4-8-30, relating to payment of costs
 67 for recovery, as follows:

68 "4-8-30.

69 (a) A dangerous dog or vicious dog shall be immediately confiscated by any dog control
 70 officer or by a law enforcement officer in the case of any violation of this article. A refusal
 71 to surrender a dog subject to confiscation shall be a violation of this article.

72 (b) The owner of any dog that has been confiscated pursuant to this article ~~may recover~~
 73 ~~such dog upon payment of~~ shall pay all reasonable confiscation and housing costs ~~and~~
 74 ~~proof of compliance with the provisions of this article for the dog unless such confiscation~~
 75 is deemed to be in error by a court of competent jurisdiction. All fines and all charges for
 76 services performed by a law enforcement or dog control officer shall be paid prior to owner
 77 recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or
 78 euthanasia of the dog.

79 (c) In the event the owner has not complied with the provisions of this article within ~~20~~ ten
 80 days of the date the dog was confiscated, such dog shall be released to an animal shelter
 81 or destroyed in an expeditious and humane manner. ~~and the~~ The owner may be required to
 82 pay the ~~costs of housing and~~ cost of euthanasia."

83 **SECTION 4.**

84 This Act shall become effective on July 1, 2014, and shall apply to all violations and
 85 confiscations which occur on or after that date.

86 **SECTION 5.**

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