

Senate Bill 330

By: Senators Kirkpatrick of the 32nd, Hufstetler of the 52nd, Payne of the 54th, Echols of the 49th, Dugan of the 30th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs,
2 so as to provide protections for dogs kept outdoors; to provide a short title; to provide for
3 definitions; to provide for certain requirements for unattended dogs kept outdoors; to provide
4 for exceptions; to provide for penalties; to provide for statutory construction; to amend
5 Article 2 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to
6 jurisdiction, power, and duties of probate courts, so as to provide for jurisdiction; to provide
7 for related matters; to provide an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs, is amended
12 by adding a new article to read as follows:

13

"ARTICLE 314 4-8-40.15 This article shall be known and may be cited as the 'Outdoor Dog Protection Act.'16 4-8-41.17 As used in this article, the term:18 (1) 'Adequate food' means unspoiled, species-appropriate food that is accessible to a dog
19 and of a sufficient amount to prevent such dog's starvation or a significant risk to such
20 dog's health due to malnutrition.21 (2) 'Adequate shelter' means a sturdy, waterproof structure for a dog that:22 (A) Has at least three walls, a roof, and an opening that provides for entrance and exit;23 (B) Provides protection from inclement weather and allows a dog to maintain a healthy
24 body temperature;25 (C) Is sanitary and clear of excessive debris; and26 (D) Has dimensions that allow a dog, while in such shelter, to stand erect, sit, turn
27 around, and lie down in a normal position.28 (3) 'Adequate water' means potable water that is accessible to a dog and of a sufficient
29 amount to prevent such dog's dehydration or a significant risk to such dog's health from
30 dehydration.31 (4) 'Collar' means a band of a material specifically designed to be placed around the neck
32 of a dog.33 (5) 'Harness' means a set of straps constructed of nylon, leather, or similar material
34 specifically designed to restrain or control the movement of a dog.35 (6) 'Inclement weather' means rain, hail, sleet, snow, high winds, extreme low
36 temperatures, extreme high temperatures, or other climate events detrimental to a dog's
37 health and well-being.

38 (7) 'Officer' means:

39 (A) An animal control officer or dog control officer who is an employee of the state
40 or a local government; or

41 (B) Any sheriff, deputy sheriff, or other peace officer.

42 (8) 'Owner' means a person who intentionally exercises custody, possession, control, or
43 ownership of a dog, whether temporarily or permanently.

44 (9) 'Properly fitted' means:

45 (A) Appropriately sized for a dog based on such dog's measurements and body weight;

46 (B) Does not choke a dog or impede such dog's normal breathing or swallowing; and

47 (C) Does not cause pain or injury to a dog.

48 (10) 'Restraint' means a chain, rope, tether, leash, cable, or other device that attaches a
49 dog to a stationary object, other animal, or trolley system.

50 (11) 'Unattended' means when a dog is not in the physical presence or line of sight of an
51 owner of such dog.

52 4-8-42.

53 (a)(1) It shall be unlawful for any person to leave a dog outdoors and unattended,
54 whether attached to a restraint or not, without providing such dog access to adequate food
55 at least once every 24 hours. This paragraph shall not apply if a veterinarian licensed to
56 practice in this state has, for medical reasons, specified a temporary feeding cycle for
57 such dog that is of a lesser amount or frequency.

58 (2) A citation for a violation of paragraph (1) of this subsection shall be issued if a
59 person fails to respond within 24 hours to a notice placed by an officer in a conspicuous
60 area near where the animal is housed concerning a suspected violation of paragraph (1)
61 of this subsection.

62 (b) It shall be unlawful for any person to leave a dog outdoors and unattended while
63 attached to a restraint without access, at all times, to:

- 64 (1) Adequate shelter;
65 (2) Adequate water;
66 (3) An area that allows the dog to avoid:
67 (A) Standing in water or on an exclusively asphalt surface; and
68 (B) Exposure to excess animal waste or potentially harmful materials or substances;
69 (4) An area that is of sufficient size for the dog to move around normally and exercise;
70 and
71 (5) Shade, whether by natural or artificial means, from direct sunlight that is separate
72 from the shelter.
73 (c) It shall be unlawful for any person to leave a dog outdoors and unattended while
74 attached to a restraint that restricts the dog's normal range of movement to less than five
75 times the length of the dog, as measured from the tip of the dog's nose to the base of the
76 dog's tail, or ten feet, whichever is greater.
77 (d) It shall be unlawful for any person to affix a restraint to a dog that:
78 (1) Is a chain;
79 (2) Has metal weights or other similar devices attached to it which are borne by the dog's
80 body;
81 (3) Is unreasonably heavy for the size of the dog;
82 (4) Is attached to a choke, pinch, prong, or similar type of collar; or
83 (5) Is attached to a collar or harness that is not properly fitted.
- 84 4-8-43.
85 (a) Subsections (b) and (c) of Code Section 4-8-42 shall not apply to:
86 (1) A dog that is restrained and left unattended for a time reasonably necessary for the
87 owner to engage in an activity that requires the dog to be temporarily restrained and left
88 unattended; or

89 (2) A dog left unattended in an open-air truck bed for a time reasonably necessary for the
90 owner to complete a temporary task that requires the dog to be left unattended in the truck
91 bed; provided, however, that any restraint used in such situation shall either be short
92 enough to prevent the dog from partially or wholly exiting the truck bed or long enough
93 that the entire weight of the dog can be born on its feet on the ground outside of the truck
94 bed.

95 (b) Code Section 4-8-42 shall not apply to a dog that is used or engaged in conduct directly
96 related to:

97 (1) The business of shepherding or herding cattle or livestock;

98 (2) The business of cultivating agricultural products; or

99 (3) Hunting or field training;

100 4-8-44.

101 (a) A person commits an offense when such person knowingly violates any provision of
102 this article. For each dog that is the subject of an offense, such person shall be deemed to
103 have committed a separate offense. All offenses with which a person is charged in a single
104 incident shall each constitute a single infraction for purposes of determining the application
105 of the appropriate penalty or penalties pursuant to subsection (b) of this Code section.

106 (b) A person who commits one or more offenses under this article shall be subject to the
107 following penalties:

108 (1) The first infraction shall result in a civil penalty not to exceed \$50.00 per offense;
109 provided, however, that a warning requiring correction of the offense or offenses by the
110 owner or other person in violation of this article within seven days after the date of the
111 warning shall be issued in lieu of a citation for each offense constituting such infraction
112 unless any offense poses an imminent risk to the health or safety of the dog or the dog has
113 been physically injured as a result of any offense;

114 (2) A second infraction shall result in a civil penalty not to exceed \$125.00 per offense;
 115 and

116 (3) A third or subsequent infraction shall result in a civil penalty not to exceed \$250.00
 117 per offense.

118 (c) When any offense poses an imminent risk to the health or safety of a dog or any dog
 119 has been physically injured as a result of any offense, the enforcing officer shall be
 120 authorized to impound the dog in addition to issuing a citation for such offense.

121 (d) Any officer shall be authorized to enforce the provisions of this article.

122 (e) If conduct constituting an offense under this article also constitutes an offense under
 123 any other law, such conduct may be prosecuted under this article, the other law, or both.

124 4-8-45.

125 This article shall not preempt any ordinance or resolution of a county, municipality, or
 126 consolidated government relating to the restraint of a dog if such ordinance or resolution:

127 (1) Is consistent with and at least as stringent as this article; or

128 (2) Relates to an issue not specifically addressed by this article."

129

SECTION 2.

130 Article 2 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to
 131 jurisdiction, power, and duties of probate courts, is amended in Code Section 15-9-30.9,
 132 relating to jurisdiction over certain animal control cases, as follows:

133 "15-9-30.9.

134 (a) In addition to any other jurisdiction vested in the probate courts, such courts shall have
 135 the right and power to hear cases of violations of ~~Article~~ Articles 2 and 3 of Chapter 8 of
 136 Title 4 and to impose:

137 (1) Civil penalties for such violations, other than euthanasia; and

138 (2) Criminal penalties for such violations as provided by Code Section 4-8-32.

139 (b) An appeal from a decision by an animal control board or local board of health pursuant
140 to subsection (f) of Code Section 4-8-23 shall lie in probate court. No appeal shall be heard
141 in probate court until costs ~~which~~ that have accrued in the tribunal below have been paid,
142 unless the appellant files with the probate court or with the tribunal appealed from an
143 affidavit stating that because of indigence he or she is unable to pay the costs on appeal.
144 In all cases, no appeal shall be dismissed in the probate court ~~because of~~ due to
145 nonpayment of ~~the~~ such costs ~~below~~ until the appellant has been directed by the court to
146 do so and has failed to comply with the court's direction.

147 (c) Filing of the notice of appeal and payment of costs or filing of an affidavit as provided
148 in subsection (b) of this Code section shall act as supersedeas, and it shall not be necessary
149 that a supersedeas bond be filed; provided, however, that the probate court upon motion
150 may at any time require that supersedeas bond with good security be given in such amount
151 as the court may deem necessary unless the appellant files with the court an affidavit
152 stating that ~~because of~~ due to indigence he or she is unable to give bond."

153 **SECTION 3.**
154 This Act shall become effective on January 1, 2025.

155 **SECTION 4.**
156 All laws and parts of laws in conflict with this Act are repealed