

Adopted Rejected

COMMITTEE REPORT

YES: **10**
NO: **2**

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1882, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 15-5-12-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. If a dog, without
- 4 provocation, bites any person who is peaceably conducting himself in
- 5 any place where ~~he~~ **the person** may be required **to go or has the**
- 6 **authority** to go for the purpose of discharging any duty imposed upon
- 7 ~~him~~ **the person** by the laws **or regulations** of this state, ~~or by~~ the laws
- 8 or ~~postal~~ regulations of the United States of America, **or the postal**
- 9 **regulation of the United States of America**, the owner of such dog
- 10 may be ~~held liable~~ **subject to civil liability** for any damages suffered
- 11 by the person bitten, regardless of the former viciousness of such dog
- 12 or the owner's knowledge of such viciousness.
- 13 SECTION 2. IC 35-46-3-6, AS AMENDED BY P.L.76-2002,
- 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2003]; Sec. 6. (a) This section does not apply to a violation of
2 section 1 of this chapter.

3 (b) Any law enforcement officer or any other person having
4 authority to impound animals who has probable cause to believe there
5 has been a violation of this chapter ~~or IC 15-5-12-3~~ may take custody
6 of the animal involved.

7 (c) The owner of an animal that has been impounded under this
8 section may prevent disposition of the animal by an animal shelter that
9 is caring for the animal by posting, not later than ten (10) days after the
10 animal has been impounded, a bond with the court in an amount
11 sufficient to provide for the animal's care and keeping for at least thirty
12 (30) days, beginning from the date the animal was impounded. The
13 owner may renew a bond by posting a new bond, in an amount
14 sufficient to provide for the animal's care and keeping for at least an
15 additional thirty (30) days, not later than ten (10) days after the
16 expiration of the period for which a previous bond was posted. If a
17 bond expires and is not renewed, the animal shelter may determine
18 disposition of the animal, subject to court order. If the owner of an
19 animal impounded under this section is convicted of an offense under
20 this chapter, ~~or IC 15-5-12-3~~, the owner shall reimburse the animal
21 shelter for the expense of the animal's care and keeping. If the owner
22 has paid a bond under this subsection, the animal shelter may euthanize
23 an animal if a veterinarian determines that an animal is suffering
24 extreme pain.

25 (d) If the owner requests, the court having jurisdiction of criminal
26 charges filed under this chapter ~~or IC 15-5-12~~ shall hold a hearing to
27 determine whether probable cause exists to believe that a violation of
28 this chapter ~~or IC 15-5-12~~ has occurred. If the court determines that
29 probable cause does not exist, the court shall order the animal returned
30 to its owner, and the return of any bond posted by its owner.

31 (e) This subsection applies only to livestock animals. Whenever
32 charges are filed under this chapter, the court shall appoint the state
33 veterinarian under IC 15-2.1-2-50 or the state veterinarian's designee
34 to:

- 35 (1) investigate the condition of the animal and the circumstances
36 relating to the animal's condition; and
37 (2) make a recommendation to the court under subsection (f)
38 regarding the confiscation of the animal.

1 (f) The state veterinarian or the state veterinarian's designee who is
2 appointed under subsection (e) shall do the following:

3 (1) Make a recommendation to the court concerning whether
4 confiscation is necessary to protect the safety and well-being of
5 the animal.

6 (2) If confiscation is recommended under subdivision (1),
7 recommend a manner for handling the confiscation and
8 disposition of the animal that is in the best interests of the animal.

9 The state veterinarian or the state veterinarian's designee who submits
10 a recommendation under this subsection shall articulate to the court the
11 reasons supporting the recommendation.

12 (g) The court:

13 (1) shall give substantial weight to; and

14 (2) may enter an order based upon;

15 a recommendation submitted under subsection (f).

16 (h) If a person is convicted of an offense under this chapter, ~~or~~
17 ~~IC 15-5-12~~, the court may impose the following additional penalties
18 against the person:

19 (1) A requirement that the person pay the costs of caring for an
20 animal involved in the offenses that are incurred during a period
21 of impoundment authorized under subsection (b).

22 (2) An order terminating the person's right to possession, title,
23 custody, or care of an animal that was involved in the offense.

24 (i) If a person's right to possession, title, custody, or care of an
25 animal is terminated under subsection (h), the court may:

26 (1) award the animal to a humane society or other organization
27 that has as its principal purpose the humane treatment of animals;
28 or

29 (2) order the disposition of the animal as recommended under
30 subsection (f).

31 SECTION 3. IC 35-46-3-14 IS ADDED TO THE INDIANA CODE
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2003]: **Sec. 14. (a) Except as provided in subsection (b) and
34 subject to section 16 of this chapter, an owner of a dog commits a
35 Class C misdemeanor if the owner recklessly, knowingly, or
36 intentionally fails to take reasonable steps to restrain the dog and:**

37 **(1) the dog enters property other than the property of the
38 dog's owner; and**

- 1 **(2) as the result of the failure to restrain the dog, the dog bites**
 2 **or attacks another person, resulting in unprovoked bodily**
 3 **injury to the other person.**
- 4 **(b) The offense under subsection (a) is:**
- 5 **(1) a Class B misdemeanor if the person has been convicted of**
 6 **one (1) previous unrelated violation of this section;**
- 7 **(2) a Class A misdemeanor if:**
- 8 **(A) the person has been convicted of more than one (1)**
 9 **previous unrelated violation of this section; or**
- 10 **(B) the violation results in serious bodily injury to a**
 11 **person;**
- 12 **(3) a Class D felony if the owner recklessly violates this section**
 13 **and the violation results in the death of a person; and**
- 14 **(4) a Class C felony if the owner intentionally or knowingly**
 15 **violates this section and the violation results in the death of a**
 16 **person.**

17 SECTION 4. IC 35-46-3-15 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2003]: **Sec. 15. (a) Except as provided in subsection (b) and**
 20 **subject to section 16 of this chapter, if a dog, without provocation,**
 21 **bites any person who is peaceably conducting himself in any place**
 22 **where the person may be required to go or has the authority to go**
 23 **for the purpose of discharging any duty imposed upon the person**
 24 **by the laws or regulations of this state, the laws or regulations of**
 25 **the United States of America, or the postal regulation of the United**
 26 **States of America, the owner of the dog commits a Class C**
 27 **misdemeanor, regardless of the former viciousness of the dog or**
 28 **the owner's knowledge of such viciousness.**

- 29 **(b) The offense under subsection (a) is:**
- 30 **(1) a Class B misdemeanor if the dog owner has been**
 31 **convicted of one (1) previous unrelated violation of this**
 32 **section;**
- 33 **(2) a Class A misdemeanor if:**
- 34 **(A) the dog owner has been convicted of more than one (1)**
 35 **previous unrelated violation of this section; or**
- 36 **(B) the violation results in serious bodily injury to a**
 37 **person;**
- 38 **(3) a Class D felony if the dog owner recklessly violates this**

1 **section and the violation results in the death of a person; and**
2 **(4) a Class C felony if the dog owner intentionally or**
3 **knowingly violates this section and the violation results in the**
4 **death of a person.**

5 SECTION 5. IC 35-46-3-16 IS ADDED TO THE INDIANA CODE
6 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2003]: **Sec. 16. An owner of a dog does not commit an offense**
8 **under section 14 or section 15 of this chapter if:**

9 **(1) the dog commits the act described in section 14 or section**
10 **15 of this chapter while owned by:**

11 **(A) the United States;**

12 **(B) an agency of the United States; or**

13 **(C) a governmental entity (as defined in IC 34-6-2-49);**
14 **and while engaged in assisting the owner or the owner's agent**
15 **in the performance of law enforcement or military duties; or**

16 **(2) the dog bites a person while the person is committing a**
17 **misdemeanor or felony.**

18 SECTION 6. IC 35-46-3-17 IS ADDED TO THE INDIANA CODE
19 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2003]: **Sec. 17. If a law enforcement officer or any other person**
21 **having authority to impound animals has probable cause to believe**
22 **that there has been a violation of section 14 or section 15 of this**
23 **chapter, section 6 of this chapter applies.**

24 SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE
25 JULY 1, 2003]: IC 15-5-12-3; IC 15-5-12-4; IC 15-5-12-5.

1 SECTION 8. [EFFECTIVE JULY 1, 2003] **IC 15-5-12-1, as**
2 **amended by this act, applies only to causes of action arising after**
3 **June 30, 2003.**

(Reference is to HB 1882 as introduced.)

and when so amended that said bill do pass.

Representative Lawson L