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HOUSE BILL NO. 2379

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to amend and reenact § 3.2-6540 of the Code of Virginia, relating to dangerous dogs; criteria for adjudication.

Patron—Zehr

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6540 of the Code of Virginia is amended and reenacted as follows:

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

A. As used in this section, "dog" includes a hybrid canine as defined in § 3.2-6581.

B. Any law-enforcement officer or animal control officer who (i) has reason to believe that 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 for the issuance of a summons requiring the owner, 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.

F. Following the issuance of a summons following an application pursuant to subsection B, an animal control officer may confine the animal until the evidence is heard and a verdict rendered. If the animal control officer determines that the owner can confine the animal in a manner that protects the public safety, he may permit the owner to confine the animal until the evidence is heard and a verdict rendered. Upon being served with a summons for a dangerous dog, the owner shall not dispose of the animal, other than by euthanasia, until the case has been adjudicated. The court, through its contempt powers, may compel the owner of the animal to produce the animal and to provide documentation that it has been, or will be within three business days, implanted with electronic identification registered to the owner. The owner shall provide the registration information to the animal control officer.

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

H. Unless good cause is determined by the court, the evidentiary hearing pursuant to the dangerous dog summons shall be within 30 days or as soon as practicable from the issuance of the summons. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt. The court shall determine that the animal is a dangerous dog if the evidence shows that it (i) killed a companion animal that is a dog or cat or inflicted serious injury on a companion animal that is a dog or cat, including a serious impairment of health or bodily function that requires significant medical attention, a serious disfigurement, any injury that has a reasonable potential to cause death, or any injury other than a sprain or strain or (ii) directly caused serious injury to a person, including laceration, broken bone, or substantial puncture of skin by teeth. Unless good cause is determined by the court, the appeal of a dangerous dog finding shall be heard within 30 days.

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

- 59 1. Shall order the animal's owner to comply with the provisions of this section and §§ 3.2-6540.01,
60 3.2-6542, and 3.2-6542.1;
- 61 2. May order the owner of the animal to pay restitution for actual damages to any person injured by the
62 animal or whose companion animal was injured or killed by the animal. Such order shall not preclude the
63 injured person from pursuing civil remedies, including damages that accrue after the original finding that the
64 animal is a dangerous dog; and
- 65 3. May order the owner to pay all reasonable expenses incurred in caring and providing for such
66 dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or
67 returned to the owner.
- 68 J. If after hearing the evidence the court decides to defer further proceedings without entering an
69 adjudication that the animal is a dangerous dog, it may do so, notwithstanding any other provision of this
70 section. A court that defers further proceedings shall place specific conditions upon the owner of the dog,
71 including the requirement that the owner provide documentation that the dog has been, or will be within three
72 business days, implanted with electronic identification registered to the owner. The registration information
73 shall be provided to the animal control officer. If the owner violates any of the conditions, the court may enter
74 an adjudication that the animal is a dangerous dog and proceed as otherwise provided in this section. Upon
75 fulfillment of the conditions, the court shall dismiss the proceedings against the animal and the owner without
76 an adjudication that the animal is a dangerous dog.
- 77 K. No animal shall be found by the court to be a dangerous dog:
- 78 1. Solely because it is a particular breed;
- 79 2. If the threat, injury, or damage was sustained by a person who was (i) committing at the time a crime
80 upon the premises occupied by the animal's owner; ~~(ii) committing at the time a willful trespass upon the~~
81 ~~premises occupied by the animal's owner; or (iii) or (ii) provoking, tormenting, or physically abusing the~~
82 animal or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other
83 times;
- 84 3. If the animal is a police dog that was engaged in the performance of its duties as such at the time of the
85 act complained of;
- 86 4. If at the time of the acts complained of the animal was responding to pain or injury ~~or was protecting~~
87 ~~itself, its kennel, its offspring, a person, or its owner's property to itself, its owner, or a person in the animal's~~
88 ~~presence;~~
- 89 5. As a result of killing or inflicting serious injury on a dog or cat while engaged with its owner as part of
90 lawful hunting or participating in an organized, lawful dog handling event; or
- 91 6. If the court determines based on the totality of the evidence before it, or for other good cause, that the
92 dog is not dangerous or a threat to the community.
- 93 L. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian
94 shall be responsible for complying with all requirements of this section and §§ 3.2-6540.01, 3.2-6540.02,
95 3.2-6540.03, 3.2-6540.04, 3.2-6542, and 3.2-6542.1.