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1 **HOUSE BILL NO. 1160**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

4 *A BILL to amend and reenact § 3.2-6540 of the Code of Virginia, relating to dangerous dogs; deferred*  
5 *adjudication; waiver of appeal.*

6 Patron—Webert

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 3.2-6540 of the Code of Virginia is amended and reenacted as follows:**10 **§ 3.2-6540. Dangerous dogs; investigation, summons, and hearing.**

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

12 B. Any law-enforcement officer or animal control officer who (i) has reason to believe that an animal is a  
13 dangerous dog and (ii) is located in the jurisdiction where the animal resides or in the jurisdiction where the  
14 act was committed may apply to a magistrate for the issuance of a summons requiring the owner, if known, to  
15 appear before a general district court at a specified time. The summons shall advise the owner of the nature of  
16 the proceeding and the matters at issue.17 C. No law-enforcement officer or animal control officer shall apply for a summons pursuant to subsection  
18 B if, upon investigation, the officer finds (i) in the case of an injury to a companion animal that is a dog or  
19 cat, that no serious injury has occurred as a result of the attack or bite, that both animals are owned by the  
20 same person, or that the incident originated on the property of the attacking or biting dog's owner or (ii) in the  
21 case of an injury to a person, that the injury caused by the dog upon the person consists solely of a single nip  
22 or bite resulting only in a scratch, abrasion, or other minor injury. In determining whether serious injury to a  
23 companion animal that is a dog or cat has occurred, the officer may consult with a licensed veterinarian.24 D. A law-enforcement officer or animal control officer who applies for a summons pursuant to subsection  
25 B shall provide the owner with written notice of such application. For 30 days following such provision of  
26 written notice, the owner shall not dispose of the animal other than by surrender to the animal control officer  
27 or by euthanasia by a licensed veterinarian. Following such provision of written notice, an owner who elects  
28 to euthanize a dog that is the subject of a dangerous dog investigation shall provide documentation of such  
29 euthanasia to the animal control officer.30 E. If a law-enforcement officer successfully makes an application for the issuance of a summons pursuant  
31 to subsection B, he shall contact the local animal control officer and inform him of the location of the dog and  
32 the relevant facts pertaining to his belief that the dog is dangerous.33 F. Following the issuance of a summons following an application pursuant to subsection B, an animal  
34 control officer may confine the animal until the evidence is heard and a verdict rendered. If the animal control  
35 officer determines that the owner can confine the animal in a manner that protects the public safety, he may  
36 permit the owner to confine the animal until the evidence is heard and a verdict rendered. Upon being served  
37 with a summons for a dangerous dog, the owner shall not dispose of the animal, other than by euthanasia,  
38 until the case has been adjudicated. The court, through its contempt powers, may compel the owner of the  
39 animal to produce the animal and to provide documentation that it has been, or will be within three business  
40 days, implanted with electronic identification registered to the owner. The owner shall provide the  
41 registration information to the animal control officer.42 G. Nothing in this section shall prohibit an animal control officer or law-enforcement officer from  
43 securing a summons for a hearing to determine whether a dog that is surrendered but not euthanized is a  
44 dangerous dog.45 H. Unless good cause is determined by the court, the evidentiary hearing pursuant to the dangerous dog  
46 summons shall be within 30 days or as soon as practicable from the issuance of the summons. The procedure  
47 for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided  
48 in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its  
49 case beyond a reasonable doubt. The court shall determine that the animal is a dangerous dog if the evidence  
50 shows that it (i) killed a companion animal that is a dog or cat or inflicted serious injury on a companion  
51 animal that is a dog or cat, including a serious impairment of health or bodily function that requires  
52 significant medical attention, a serious disfigurement, any injury that has a reasonable potential to cause  
53 death, or any injury other than a sprain or strain or (ii) directly caused serious injury to a person, including  
54 laceration, broken bone, or substantial puncture of skin by teeth. Unless good cause is determined by the  
55 court, the appeal of a dangerous dog finding shall be heard within 30 days.56 I. If after hearing the evidence the court finds that the animal is a dangerous dog, the court:  
57

INTRODUCED

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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       *By consenting to and receiving a deferral of proceedings and upon failure to fulfill the conditions as  
78       specified by the court, the owner waives his right to appeal any adjudication that the animal is a dangerous  
79       dog. Prior to granting a deferral of proceedings, the court shall notify the owner that he would be waiving his  
80       right to appeal any adjudication that the animal is a dangerous dog if such deferral is granted and the owner  
81       fails to fulfill the conditions as specified by the court.*

82       K. No animal shall be found by the court to be a dangerous dog:

83       1. Solely because it is a particular breed;

84       2. If the threat, injury, or damage was sustained by a person who was (i) committing at the time a crime  
85       upon the premises occupied by the animal's owner; (ii) committing at the time a willful trespass upon the  
86       premises occupied by the animal's owner; or (iii) provoking, tormenting, or physically abusing the animal or  
87       can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times;

88       3. If the animal is a police dog that was engaged in the performance of its duties as such at the time of the  
89       act complained of;

90       4. If at the time of the acts complained of the animal was responding to pain or injury or was protecting  
91       itself, its kennel, its offspring, a person, or its owner's property;

92       5. As a result of killing or inflicting serious injury on a dog or cat while engaged with its owner as part of  
93       lawful hunting or participating in an organized, lawful dog handling event; or

94       6. If the court determines based on the totality of the evidence before it, or for other good cause, that the  
95       dog is not dangerous or a threat to the community.

96       L. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian  
97       shall be responsible for complying with all requirements of this section and §§ 3.2-6540.01, 3.2-6540.02,  
98       3.2-6540.03, 3.2-6540.04, 3.2-6542, and 3.2-6542.1.