

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2720

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Title 11, chapter 7, article 6, Arizona Revised Statutes,
is amended by adding section 11-1014.01, to read:

11-1014.01. Aggressive dogs; reasonable care requirement;
violation; classification; definition

A. A PERSON WHO OWNS AN AGGRESSIVE DOG SHALL TAKE REASONABLE CARE TO
CONTROL THE DOG IN A MANNER THAT PREVENTS THE DOG FROM BITING OR ATTACKING A
PERSON OR DOMESTIC ANIMAL AT ALL TIMES WHILE THE DOG IS OFF THE OWNER'S
PROPERTY.

B. THIS SECTION DOES NOT APPLY TO A DOG THAT IS ANY OF THE FOLLOWING:

1. OWNED BY ANY GOVERNMENTAL AGENCY AND THAT IS BEING USED IN MILITARY
OR POLICE WORK.

2. A SERVICE ANIMAL AS DEFINED IN SECTION 11-1024.

3. INVOLVED IN AN OTHERWISE LAWFUL ACT OF HUNTING, RANCHING, FARMING
OR OTHER AGRICULTURAL PURPOSE.

C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
MISDEMEANOR.

D. FOR THE PURPOSES OF THIS SECTION, "AGGRESSIVE DOG" MEANS ANY DOG
THAT HAS BITTEN A PERSON OR DOMESTIC ANIMAL WITHOUT PROVOCATION OR THAT HAS A
KNOWN HISTORY OF ATTACKING PERSONS OR DOMESTIC ANIMALS WITHOUT PROVOCATION.

E. FOR THE PURPOSES OF THIS SECTION "REASONABLE CARE" MEANS THAT
DEGREE OF CARE WHICH A PERSON OF ORDINARY PRUDENCE WOULD EXERCISE IN THE SAME
OR SIMILAR CIRCUMSTANCES.

Sec. 2. Section 13-1208, Arizona Revised Statutes, is amended to read:

13-1208. Vicious animal assault; notice; exception;
classification

A. A PERSON WHO INTENTIONALLY OR KNOWINGLY CAUSES ANY DOG TO BITE AND
INFLICT SERIOUS PHYSICAL INJURY ON A HUMAN BEING OR OTHERWISE CAUSE SERIOUS

1 INJURY TO A HUMAN BEING IS GUILTY OF A CLASS 3 FELONY, UNLESS THE PERSON
2 WOULD BE JUSTIFIED IN USING PHYSICAL FORCE OR DEADLY PHYSICAL FORCE IN
3 SELF-DEFENSE OR DEFENSE OF A THIRD PERSON PURSUANT TO CHAPTER 4 OF THIS
4 TITLE.

5 ~~A.~~ B. A person who owns a dog that the owner knows or has reason to
6 know has a ~~propensity to attack~~ HISTORY OF ATTACKING, to cause injury or to
7 otherwise endanger the safety of human beings without provocation or that has
8 been found to be a vicious animal by a court of competent jurisdiction and
9 that bites, inflicts physical injury on or attacks a human being while at
10 large is guilty of a class ~~1 misdemeanor~~ 5 FELONY.

11 ~~B.~~ C. A person who owns a dog that the owner knows or has reason to
12 know has a propensity to attack, to cause injury or to otherwise endanger the
13 safety of human beings without provocation or that has been found to be a
14 vicious animal ~~and BY A COURT OF COMPETENT JURISDICTION who keeps the dog or~~
15 ~~vicious animal in an enclosed area or yard outside of a residence or~~
16 ~~structure on the property shall post a notice indicating the presence of the~~
17 ~~dog or vicious animal~~ AND DOES NOT TAKE REASONABLE CARE TO PROHIBIT THE DOG
18 FROM ESCAPING A RESIDENCE OR ENCLOSED AREA, YARD OR STRUCTURE OUTSIDE A
19 RESIDENCE IS GUILTY OF A CLASS 1 MISDEMEANOR.

20 ~~C.~~ D. This section does not apply to dogs that are owned or used by a
21 law enforcement agency and that are used in the performance of police work.

22 E. FOR THE PURPOSES OF THIS SECTION, "REASONABLE CARE" MEANS THAT
23 DEGREE OF CARE WHICH A PERSON OF ORDINARY PRUDENCE WOULD EXERCISE IN THE SAME
24 OR SIMILAR CIRCUMSTANCES, INCLUDING THE POSTING OF A SIGN INDICATING THE
25 PRESENCE OF A DOG."

26 Amend title to conform

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2720-p1-montenegro
2/10/11
3:45 PM
H:jmb