
SENATE BILL No. 420

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-5-12-1; IC 15-5-12-3.5.

Synopsis: Dog bites. Specifies that a dog owner may be held civilly liable if the owner's dog attacks a person who is carrying out a duty imposed by state law, federal law, postal regulations, or a local ordinance or under the authority of a public utility. Provides that a dog owner who knowingly or intentionally fails to restrain the owner's dog or fails to post a warning sign on the dog owner's property commits a Class B misdemeanor if: (1) the dog bites a person on the dog owner's property; (2) the person bitten was carrying out a duty imposed by state law, federal law, postal regulations, or a local ordinance or under authority of a public utility; and (3) the person bitten incurs serious bodily injury. Establishes enhanced penalties for repeat offenses or if the person bitten dies. Requires a person who has a duty to enter a dog owner's property but who cannot enter the owner's property because of the presence of the dog to obtain a court order or notify the property owner by certified mail of the person's inability to enter the dog owner's property.

Effective: July 1, 2007.

Simpson

January 11, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 420



A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-5-12-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a) Subject to**
 3 **subsection (b)**, if a dog, without provocation, bites any person who is
 4 **acting** peaceably ~~conducting himself~~ in any place where ~~he~~ **the person**
 5 may be required to go for the purpose of discharging any duty imposed:
 6 ~~upon him~~

- 7 **(1)** by the laws **or Constitution** of ~~this state~~ **the State of Indiana**;
- 8 **or**
- 9 **(2)** by the laws **or Constitution of the United States**; ~~or~~
- 10 **(3)** by postal regulations of the United States; ~~of America~~;
- 11 **(4)** by an ordinance adopted by a county or municipality (as
- 12 defined in IC 36-1-2-11); **or**
- 13 **(5)** under the authority of a public utility (as defined in
- 14 IC 8-1-2-1);

15 the owner of ~~such the~~ dog may be held **civilly** liable for any damages
 16 suffered by the person bitten, regardless of the former viciousness of
 17 ~~such the~~ dog or the owner's knowledge of ~~such the dog's~~ viciousness.



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(b) Except as provided in subsection (c), subsection (a) does not apply if, when a dog bite occurs:

- (1) the dog is on the real property of the dog owner; and**
- (2) there is a sign on the real property of the dog owner that:**
 - (A) is conspicuously posted;**
 - (B) is readable from a public way adjoining the real property of the dog owner; and**
 - (C) warns that a dog is present on the property.**

(c) Subsection (b) does not apply if the person who is bitten as described in subsection (b) is:

- (1) a firefighter or another provider of emergency services responding to an emergency; or**
- (2) a law enforcement officer.**

SECTION 2. IC 15-5-12-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. (a) If:**

- (1) a person:**
 - (A) owns or has control of real property where a person described in section 1(a) of this chapter is bitten by a dog; and**
 - (B) owns the dog that bites the person described in section 1(a) of this chapter;**
 - (2) the person who is bitten incurs serious bodily injury from the dog bite; and**
 - (3) the person described in subdivision (1), at the time of the dog bite, knowingly or intentionally:**
 - (A) fails to have conspicuously posted on the property a sign that:**
 - (i) is readable from a public way adjoining the property; and**
 - (ii) warns that a dog is present on the real property; or**
 - (B) fails to take reasonable steps to restrain the dog;**
- the person described in subdivision (1) commits a Class B misdemeanor.**

(b) The offense under subsection (a) is:

- (1) a Class A misdemeanor if the person described in subsection (a)(1) has a prior unrelated conviction under:**
 - (A) this section;**
 - (B) section 3(b)(2)(B) of this chapter;**
 - (C) section 3(b)(3) of this chapter; or**
 - (D) section 3(b)(4) of this chapter; or**
- (2) a Class C felony if the dog bite results in the death of the**

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person bitten.
(c) If a person who is required to enter a dog owner's property for the purpose of discharging a duty described in section 1(a) of this chapter is unable to enter the dog owner's property due to the presence of the owner's dog, the person shall:
(1) notify the dog owner by certified mail, return receipt requested, that the person is required to enter the dog owner's property; or
(2) obtain an order from a court authorizing the person to enter the dog owner's property.
SECTION 3. [EFFECTIVE JULY 1, 2007] IC 15-5-12-1, as amended by this act, and IC 15-5-12-3.5, as added by this act, apply only to acts committed after June 30, 2007.

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