

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1992

5 By: Representative McAlindon
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For An Act To Be Entitled

9 AN ACT TO REQUIRE A CERTIFICATE OF REGISTRATION FOR
10 DANGEROUS DOGS AND VICIOUS DOGS; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 TO REQUIRE A CERTIFICATE OF REGISTRATION
16 FOR DANGEROUS DOGS AND VICIOUS DOGS; AND
17 FOR OTHER PURPOSES.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 14, Chapter 1, is amended to add an
22 additional subchapter to read as follows:
23

Subchapter 7 — Dangerous Dogs and Vicious Dogs

14-1-701. Definitions.

As used in this subchapter:

28 (1) “Animal control officer” means an officer employed by or
29 under contract with an agency of a local government that is responsible for
30 animal control operations in the jurisdiction of the local government;

31 (2)(A) “Bite injury” means contact between an animal’s mouth and
32 teeth and the skin of a bite victim that causes visible trauma, including
33 without limitation:

34 (i) A puncture wound;

35 (ii) A laceration; or

36 (iii) Other piercing of the skin.



1 (B) "Bite injury" does not include a nip, scratch, or
 2 abrasion;

3 (3) "Dangerous dog" means a dog that:

4 (A) Causes a bite injury and is not a vicious dog; or

5 (B)(i) While off the owner's property, kills a pet animal.

6 (ii) Subdivision (3)(B)(i) of this section does not
 7 apply when the:

8 (a) Death of the pet animal is caused by a dog
 9 that is working or training as a:

10 (1) Hunting dog;

11 (2) Herding dog; or

12 (3) Predator control dog; or

13 (b) Pet animal killed was tormenting or
 14 attacking the dog;

15 (4) "Law enforcement officer" means a public servant vested by
 16 law with a duty to maintain public order or to make an arrest for an offense;

17 (5) "Local government" means:

18 (A) A county;

19 (B) A city of the first class;

20 (C) A city of the second class; or

21 (D) An incorporated town;

22 (6) "Owner" means a person that:

23 (A) Has a right of property or title in an animal;

24 (B) Keeps or harbors an animal;

25 (C) Has an animal in the person's care;

26 (D) Acts as an animal's custodian; or

27 (E) Knowingly permits an animal to remain on or about a
 28 premises occupied by the person;

29 (7) "Person" means an individual, company, partnership, limited
 30 liability company, joint venture, joint agreement, mutual association or
 31 other, corporation, estate, trust, business trust, receiver, trustee,
 32 syndicate, or any other private entity;

33 (8) "Reckless dog owner" means a person:

34 (A) Convicted of a violation under this subchapter three
 35 (3) or more times in a twenty-four-month period; or

36 (B) Who is the owner of a dog who:

1 (i) Had prior knowledge that his or her dog is a
2 dangerous dog or a vicious dog; and

3 (ii) Failed to prevent an unprovoked attack on a
4 person that causes a bite injury;

5 (9) "Serious physical injury" means disfigurement, protracted
6 impairment of health, or impairment of the function of a bodily organ; and

7 (10) "Vicious dog" means a dog that:

8 (A) Without provocation or justification:

9 (i) Bites or attacks a person; and

10 (ii) Causes serious physical injury or death; or

11 (B) Is declared a vicious dog under this subchapter.

12
13 14-1-702. Reports of dangerous dogs or vicious dogs.

14 (a) Upon receiving a report of a dog believed to be a dangerous dog or
15 a vicious dog within the jurisdiction of an animal control officer, the
16 animal control officer shall make investigations as necessary to determine
17 whether the dog is a dangerous dog or a vicious dog.

18 (b)(1) The animal control officer may find and declare a dog to be a
19 dangerous dog or a vicious dog if the animal control officer has probable
20 cause to believe that the dog is a dangerous dog or a vicious dog.

21 (2) Findings by an animal control officer under subdivision
22 (b)(1) of this section shall be based upon:

23 (A) The written complaint of a person who is willing to
24 testify that the animal has acted in a manner proving the dog to be a
25 dangerous dog or a vicious dog;

26 (B) A dog bite report;

27 (C) Actions of the dog witnessed by an animal control
28 officer or a law enforcement officer; or

29 (D) Other substantial evidence admissible in court.

30 (c)(1) A declaration issued by an animal control officer under
31 subdivision (b)(1) of this section shall contain the following information:

32 (A)(i) The name and address of the owner.

33 (ii) If the whereabouts or the identity of the owner
34 is not known, that information shall be contained in the declaration;

35 (B) A description of the dog;

36 (C) The whereabouts of the dog;

1 (D) The facts upon which the declaration is based;
 2 (E) Restrictions placed on the owner regarding the dog;
 3 (F) If the identity of the owner is not known, the
 4 intended disposition of the dog;

5 (G) Penalties for violation of the restrictions under
 6 subdivision (c)(1)(E) of this section, including without limitation the
 7 possibility of:

8 (i) Destruction of the dog; or
 9 (ii) A fine, imprisonment, or both of the owner; and
 10 (H) The availability of a hearing to contest the
 11 declaration by submitting a written request to the authority authorized to
 12 hear appeals within fifteen (15) days of receipt of the declaration or, if
 13 notice is given by publication or posting, within fifteen (15) days of the
 14 earlier of the date the notice first appears in the newspaper or the property
 15 is posted.

16 (2) The declaration issued under subdivision (b)(1) of this
 17 section shall be in writing and shall be served by the animal control
 18 officer:

19 (A) On the owner, if known, using one (1) of the following
 20 methods:

21 (i) Regular mail to the owner's last known address;
 22 (ii) Certified mail directed to the owner at the
 23 owner's last known address; or
 24 (iii) In person;

25 (B) If the owner cannot be located under subdivision
 26 (c)(2)(A) of this section, the declaration shall be:

27 (i) By publication of the declaration in a newspaper
 28 of general circulation; and
 29 (ii) By posting the declaration on the property of
 30 the owner; or

31 (C) If the identity of the owner is unknown, the
 32 declaration shall be published in a newspaper of general circulation.

33 (3)(A) When notice is given by regular mail to the owner's last
 34 known address under subdivision (c)(2)(A)(i) of this section, notice is
 35 effective on the third day after the notice was placed in the mail with
 36 postage prepaid to the owner's last known address.

1 (B)(i) When notice is given by certified mail under
2 subdivision (c)(2)(A)(ii) of this section, notice is effective when received.

3 (ii) If certified mail delivery under subdivision
4 (c)(2)(A)(ii) of this section is refused, notice is effective by publication
5 or posting, and whenever notice is accomplished by publication or posting,
6 the notice is effective and deemed received on the earlier of the day the
7 property is posted or the newspaper is published.

8 (d) A dog shall not be declared a dangerous dog or vicious dog:

9 (1) For actions that occur while the dog is being used by a law
10 enforcement officer or military officer to carry out the official duties of
11 the law enforcement officer or military officer;

12 (2) If the person who sustained a bite injury or serious
13 physical injury was a person who:

14 (A) At the time the bite injury or serious physical injury
15 was sustained, was:

16 (i) Committing a willful trespass or other tort upon
17 the premises legally occupied by the owner of the dog; or

18 (ii) Tormenting, abusing, provoking, or assaulting
19 the dog; or

20 (B) Has been observed or reported to have tormented,
21 abused, provoked, or assaulted the dog in the past;

22 (3) If the person injured was committing or attempting to commit
23 an offense under Arkansas Code Title 5, Subtitle 2. Offenses Against the
24 Person; or

25 (4) Based on:

26 (A) Breed;

27 (B) Perceived breed; or

28 (C) Appearance.

29
30 14-1-703. Certification of registration for dangerous dog or vicious
31 dog.

32 (a) It shall be unlawful for an owner to have or possess a dangerous
33 dog or a vicious dog without a certificate of registration issued under this
34 subchapter.

35 (b) A certificate of registration shall be nontransferable and shall
36 only be issued to a person eighteen (18) years of age or older.

1 (c) No more than one (1) certificate of registration shall be issued
2 per domicile.

3 (d) A certificate of registration for a dangerous dog or a vicious dog
4 shall be issued if the animal control officer determines that the following
5 requirements have been met:

6 (1) The owner maintains and can provide proof of general or
7 specific liability insurance in the amount of at least fifty thousand dollars
8 (\$50,000) issued by an insurer authorized to transact business in this state
9 insuring the owner against liability for any bodily injury or property damage
10 caused by the dangerous dog or the vicious dog;

11 (2) A microchip containing an identification number and capable
12 of being scanned has been injected under the skin between the shoulder blades
13 of the dangerous dog or the vicious dog;

14 (3) The owner provides proof that the dangerous dog or the
15 vicious dog was spayed or neutered within ten (10) days of the notice under §
16 14-1-703(c) if the dangerous dog or vicious dog was sexually intact at the
17 time of notice; and

18 (4)(A) Except as otherwise provided in subdivision (d)(4)(B) of
19 this section, the owner of the dangerous dog or the vicious dog agrees to
20 confine the dangerous dog or the vicious dog to the owner's property.

21 (B) The owner may permit the dog to be off the owner's
22 premises if:

23 (i) The dangerous dog or the vicious dog is
24 restrained by a leash not to exceed six (6) feet in length and is under the
25 immediate physical control of a person capable of preventing the dangerous
26 dog or the vicious dog from engaging with another human or animal when
27 necessary;

28 (ii) The dangerous dog or the vicious dog is
29 contained in a closed and locked cage or crate; or

30 (iii) The dangerous dog or the vicious dog is
31 working or training as a:

32 (a) Hunting dog;

33 (b) Herding dog; or

34 (c) Predator control dog.

35
36 14-1-704. Continuation of declaration of dangerous dog or vicious dog.

1 (a) A dog that is declared a dangerous dog or a vicious dog by an
2 animal control officer under § 14-54-1802 is subject to the provisions of
3 this section.

4 (b) The owner shall notify the local government of the address at
5 which the dangerous dog or the vicious dog is located and conditions of
6 maintenance within ten (10) days of moving the dangerous dog or the vicious
7 dog.

8 (c) The restrictions and conditions of maintenance of a dangerous dog
9 or a vicious dog shall remain in force while the dog remains under the
10 authority of the local government.

11 (d) A dog that is declared a potentially dangerous dog or vicious dog
12 by any other designation agency or local government based only on size,
13 breed, mix of breeds, or appearance shall be subject to this section.

14
15 14-1-705. Reckless dog owners.

16 (a) Upon receiving a report of a person believed to be a reckless dog
17 owner within the jurisdiction of the director of animal control, the director
18 of animal control shall make investigations as necessary to determine whether
19 the person is a reckless dog owner.

20 (b)(1) If the director of animal control determines that a person is a
21 reckless dog owner, the director shall issue a notification declaring the
22 person to be a reckless dog owner.

23 (2) The notification of the declaration shall include the
24 following:

25 (A) The name and address of the person subject to the
26 declaration;

27 (B) A description of the violation that led to the
28 declaration;

29 (C) The name, description, and license number of the
30 dangerous dog or the vicious dog subject to the effects of the declaration;
31 and

32 (D) Instructions on appealing the declaration.

33 (c) Once declared a reckless dog owner, the certificates of
34 registration for all dangerous dogs or vicious dogs owned by the person shall
35 be revoked, and the person shall not own, keep, possess, or harbor a
36 dangerous dog or a vicious dog for a period of five (5) years from the date

1 of the declaration.

2
3 14-1-706. Failure to comply.

4 (a)(1) It shall be a violation to fail to comply with the provisions
5 of this subchapter.

6 (2) An owner in violation of this subchapter shall be subject to
7 immediate seizure and impoundment of the dangerous dog or the vicious dog
8 under this section.

9 (3) Failure to comply with the requirements under this
10 subchapter shall result in the revocation of the certificate of registration
11 for the dangerous dog or the vicious dog.

12 (b)(1)(A) A dangerous dog or a vicious dog that has been seized by an
13 animal control officer under this subchapter shall remain at the appropriate
14 place of custody for a period of at least fifteen (15) consecutive days,
15 including weekends and holidays, after written notice is received by the
16 owner.

17 (B) The written notice shall:

18 (i) Be left at the last known address of the owner;
19 and

20 (ii) Contain a description of the dangerous dog or
21 the vicious dog seized, the date seized, the name and contact information of
22 the law enforcement officer or animal control officer seizing the dangerous
23 dog or the vicious dog, the location of the dangerous dog or the vicious dog,
24 and the reason for the seizure.

25 (2) A person in violation of this subchapter shall pay all
26 expenses related to a bite injury or serious physical injury, including
27 without limitation:

28 (A) Shelter, food, and veterinary expenses for boarding
29 incurred by a pet animal victim from an attack by a dangerous dog;

30 (B) Veterinary expenses necessitated by the impoundment of
31 the dog;

32 (C) Medical expenses incurred by a victim; and

33 (D) Other expenses required for the destruction of the
34 dog.

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