

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas

2 90th General Assembly

3 Fourth Extraordinary Session, 2016

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5 By: Representative Lemons

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For An Act To Be Entitled

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AN ACT CONCERNING INJURIES TO DOMESTICATED ANIMALS BY

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DOGS; TO AMEND § 20-19-102 IN ORDER TO COMPLY WITH

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AMENDMENT 80 OF THE ARKANSAS CONSTITUTION; AND FOR

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OTHER PURPOSES.

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Subtitle

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CONCERNING INJURIES TO DOMESTICATED

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ANIMALS BY DOGS; AND TO AMEND § 20-19-102

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IN ORDER TO COMPLY WITH AMENDMENT 80 OF

18

THE ARKANSAS CONSTITUTION.

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code § 20-19-102 is amended to read as follows:

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20-19-102. Injuries to domesticated animals by dogs.

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(a)(1) As used in this section, "Domesticated "domesticated animals"

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~~includes, but is not limited to, without limitation~~ sheep, goats, cattle,

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swine, and poultry.

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(2) ~~Any~~ A person owning or having in possession or under control

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~~any a dog shall be~~ is liable ~~in for~~ damages to the owner or owners of ~~any a~~ a

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domesticated ~~animals~~ animal killed or injured by the dog ~~in for~~ the full

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value of the domesticated animal killed or injured.

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(b)(1) ~~Any~~ A person engaged in raising domesticated animals or owning

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~~any domesticated animals who shall sustain any~~ sustains a loss or ~~damages~~

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damage to any of his or her ~~or their~~ domesticated animals by ~~any a dog shall~~

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have has a right of action against the owner, ~~person~~ possessor, or controller

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of the dog.

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1 (2) Any A person knowing that any a dog has killed or is about
2 to catch, injure, or kill any a domesticated animal ~~shall have~~ has the right
3 to kill the dog, without ~~in any way being liable~~ liability to the owner of
4 the dog ~~in any courts of this state.~~

5 (c) The person sustaining loss or damage ~~as mentioned in~~ under
6 subsection (b) of this section and desiring remuneration ~~therefor~~ may go
7 before ~~some justice of the peace of the county wherein~~ the circuit court or
8 district court having jurisdiction where the loss or damage occurred and make
9 ~~oath of the character of~~ allege the loss or damage sustained, the value of
10 the loss or damage, ~~the dog or dogs, and the owner, possessor, or controller~~
11 ~~of the dog and file the same~~ and the identity of the dog and the dog's owner,
12 possessor, or controller by filing a complaint with the justice of the peace,
13 ~~who shall issue~~ circuit court or district court having jurisdiction as
14 permitted by the Arkansas Rules of Civil Procedure, which under the rules may
15 issue a summons stating the nature of the plaintiff's claim, the amount
16 claimed, and the cost accrued, which shall be served and returned as in
17 ordinary actions to the defendant to appear in the circuit court or district
18 court having jurisdiction and answer the allegations.

19 ~~(d)(1) If the defendant shall pay to the officer serving the summons~~
20 ~~the amount of damages claimed, the costs endorsed, and a further fee to the~~
21 ~~officer of twenty five cents (25¢) for making the return, the summons shall~~
22 ~~be returned satisfied, and no further proceedings had.~~

23 ~~(2) If the defendant fails, neglects, or refuses to pay that~~
24 ~~amount, the justice of the peace shall try the cause as in other ordinary~~
25 ~~actions and give judgment in favor of the plaintiff for the amount proved in~~
26 ~~the cause, for which the defendant may be liable under this section.~~

27 ~~(e) In a second suit and recovery by any plaintiff against the same~~
28 ~~defendant on account of killing or injury done by the same dog, the justice~~
29 ~~of the peace shall render judgment for double the amount of damages proven.~~

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