

Regular Session, 2009

HOUSE BILL NO. 155

BY REPRESENTATIVE HARDY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Amends the definition of negligent injuring and negligent homicide to include attacks by dogs or other animals

1 AN ACT

2 To amend and reenact R.S. 14:32(A) and 39 and to enact R.S. 14:32(C)(3), (D), and (E),
3 relative to certain crimes involving criminal negligence; to amend the definition of
4 negligent homicide to include the killing of a human being by a dog or other animal;
5 to amend the definition of negligent criminal injuring to include an injury caused by
6 a dog or other animal; to provide for exceptions; to provide for definitions; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The ownership of dangerous dogs has become an increasing problem in
10 Louisiana resulting in the injury or death of many people following an encounter with a
11 dangerous dog. The Louisiana Legislature hereby finds that owners of dangerous dogs who
12 fail to properly confine or restrain them should be criminally responsible for the injuries
13 their animals cause to the citizens of this state. This Act shall be known as the "Luna
14 McDaniel and Michael 'Blaise' Landry Act" in honor of Mrs. Luna McDaniel, a resident of
15 Ville Platte, Louisiana, and Michael "Blaise" Landry, a resident of Morganza, who were both
16 attacked by dogs and died as a result of their injuries sustained during those attacks.

17 Section 2. R.S. 14:32(A) and 39 are hereby amended and reenacted and R.S.
18 14:32(C)(3), (D), and (E) are hereby enacted to read as follows:

19 §32. Negligent homicide

20 A. Negligent homicide is either of the following:

21 (1) ~~the~~ The killing of a human being by criminal negligence.

1 (2) The killing of a human being by a dog or other animal when the owner
2 is criminally negligent in confining or restraining the dog or other animal.

3 * * *

4 C.

5 * * *

6 (3) If the victim was killed by a dog or other animal, the owner of the dog
7 or other animal shall be imprisoned with or without hard labor for not more than five
8 years and fined not more than five thousand dollars, or both.

9 D. The provisions of this Section shall not apply to:

10 (1) Any dog which is owned, or the service of which is employed, by any
11 state or local law enforcement agency for the principal purpose of aiding in the
12 detection of criminal activity, enforcement of laws, or apprehension of offenders.

13 (2) Any dog trained in accordance with the standards of a national or
14 regional search and rescue association to respond to instructions from its handler in
15 the search and rescue of lost or missing individuals and which dog, together with its
16 handler, is prepared to render search and rescue services at the request of law
17 enforcement.

18 (3) Any guide or service dog trained at a qualified dog guide or service
19 school who is accompanying any blind person, visually handicapped person, deaf
20 person, hearing impaired person, or otherwise physically disabled person who is
21 using the dog as a guide or for service.

22 (4) Any attack made by a dog lawfully inside a dwelling, a place of business,
23 or a motor vehicle as defined in R.S. 32:1(40), against a person who is attempting to
24 make an unlawful entry into the dwelling, place of business, or motor vehicle, or
25 who has made an unlawful entry into the dwelling, place of business, or motor
26 vehicle, and the dog is protecting that property.

27 (5) Any attack made by livestock as defined in this Section.

28 E. For the purposes of this Section:

1 (1) "Harboring or keeping" means feeding, sheltering, or having custody
2 over the animal for three or more consecutive days.

3 (2) "Livestock" means any animal except dogs and cats, bred, kept,
4 maintained, raised, or used for profit, that is used in agriculture, aquaculture,
5 agritourism, competition, recreation, or silvaculture, or for other related purposes or
6 used in the production of crops, animals, or plant or animal products for market.
7 This definition includes but is not limited to cattle, buffalo, bison, oxen, and other
8 bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens,
9 turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope, elk,
10 farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic
11 animals; fish, pet turtles, and other animals identified with aquaculture which are
12 located in artificial reservoirs or enclosures that are both on privately owned property
13 and constructed so as to prevent, at all times, the ingress and egress of fish life from
14 public waters; any commercial crawfish from any crawfish pond; and any hybrid,
15 mixture, or mutation of any such animal.

16 (3) "Owner" means any person, partnership, corporation, or other legal entity
17 owning, harboring, or keeping any animal.

18 * * *

19 §39. Negligent injuring

20 A. Negligent injuring is either of the following:

21 (1) ~~the~~ The inflicting of any injury upon the person of another by criminal
22 negligence.

23 (2) The inflicting of any injury upon the person of another by a dog or other
24 animal when the owner of the dog or other animal is criminally negligent in
25 confining or restraining the dog or other animal.

26 B. The violation of a statute or ordinance shall be considered only as
27 presumptive evidence of such negligence.

28 C. Whoever commits the crime of negligent injuring shall be fined not more
29 than five hundred dollars, or imprisoned for not more than six months, or both.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 D. The provisions of this Section shall not apply to:

2 (1) Any dog which is owned, or the service of which is employed, by any
3 state or local law enforcement agency for the principal purpose of aiding in the
4 detection of criminal activity, enforcement of laws, or apprehension of offenders.

5 (2) Any dog trained in accordance with the standards of a national or
6 regional search and rescue association to respond to instructions from its handler in
7 the search and rescue of lost or missing individuals and which dog, together with its
8 handler, is prepared to render search and rescue services at the request of law
9 enforcement.

10 (3) Any guide or service dog trained at a qualified dog guide or service
11 school who is accompanying any blind person, visually handicapped person, deaf
12 person, hearing impaired person, or otherwise physically disabled person who is
13 using the dog as a guide or for service.

14 (4) Any attack made by a dog lawfully inside a dwelling, a place of business,
15 or a motor vehicle as defined in R.S. 32:1(40), against a person who is attempting to
16 make an unlawful entry into the dwelling, place of business, or motor vehicle, or
17 who has made an unlawful entry into the dwelling, place of business, or motor
18 vehicle and the dog is protecting that property.

19 (5) Any attack made by livestock as defined in this Section.

20 E. For the purposes of this Section:

21 (1) "Harboring or keeping" means feeding, sheltering, or having custody
22 over the animal for three or more consecutive days.

23 (2) "Livestock" means any animal except dogs and cats, bred, kept,
24 maintained, raised, or used for profit, that is used in agriculture, aquaculture,
25 agritourism, competition, recreation, or silvaculture, or for other related purposes or
26 used in the production of crops, animals, or plant or animal products for market.
27 This definition includes but is not limited to cattle, buffalo, bison, oxen, and other
28 bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens,
29 turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope, elk,

1 farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic
 2 animals; fish, pet turtles, and other animals identified with aquaculture which are
 3 located in artificial reservoirs or enclosures that are both on privately owned property
 4 and constructed so as to prevent, at all times, the ingress and egress of fish life from
 5 public waters; any commercial crawfish from any crawfish pond; and any hybrid,
 6 mixture, or mutation of any such animal.

7 (3) "Owner" means any person, partnership, corporation, or other legal entity
 8 owning, harboring, or keeping any animal.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hardy

HB No. 155

Abstract: Amends negligent injuring and negligent homicide to include injury or death caused by dogs or other animals.

Present law provides that negligent homicide is the killing of a human being by criminal negligence.

Proposed law retains the provisions of present law and further provides that negligent homicide is the killing of a human being by a dog or other animal when the owner is criminally negligent in confining or restraining the dog or other animal.

Present law provides that negligent injuring is the inflicting of any injury upon the person of another by criminal negligence.

Proposed law retains the provisions of present law and further provides that negligent injuring is the inflicting of any injury upon the person of another by a dog or other animal when the owner is criminally negligent in confining or restraining the dog or other animal.

Proposed law defines "owner", "harboring or keeping", and "livestock".

Proposed law provides exceptions for law enforcement dogs, dogs involved in search and rescue, guide and service dogs, dogs inside a dwelling, place of business, or motor vehicle who attack a person who is attempting or who has made an unlawful entry, and attacks made by livestock.

(Amends R.S. 14:32(A) and 39; Adds R.S. 14:32(C)(3), (D), and (E))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Adds exceptions for law enforcement dogs, dogs involved in search and rescue, guide and service dogs, dogs inside a dwelling, place of business, or motor vehicle who attack a person who is attempting or who has made an unlawful entry, and attacks by livestock.
2. Adds definitions of "owner", "harboring or keeping", and "livestock".
3. Adds, as an element of negligent homicide and negligent injuring, criminal negligence in confining or restraining the dog or other animal.
4. Provides that the Act also be named after Michael "Blaise" Landry.