

**ARKANSAS SENATE**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

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**Subtitle of Senate Bill No. 1104**

"AN ACT CONCERNING CRUELTY TO ANIMALS AND RELATED OFFENSES AND  
CONCERNING ANIMAL MANAGEMENT PRACTICES."

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**Amendment No. 2 to Senate Bill No. 1104.**

Amend Senate Bill No. 1104 as engrossed, S3/17/05 (version: 03-17-2005 09:08):

Delete Section 1 of the bill

AND

Page 2, line 11 delete "SECTION 2." and substitute "SECTION 1."

AND

Page 3, line 8 delete "(b)(1)" and substitute "(b)"

AND

Page 3, delete lines 12 through 19

AND

Page 3, line 32 delete "SECTION 3." and substitute "SECTION 2."

AND

Page 4, line 3 delete "SECTION 4." and substitute "SECTION 3."

AND

Page 4, line 30 add the following:

"(e) No animal seized under this section shall be physically or surgically altered without:

(1) Authorization of a licensed veterinarian, as needed for the animal's health;

(2) Consent of the owner; or

(3) An order of a magistrate or judge of competent jurisdiction."



AND

Page 4, line 32 delete "SECTION 5." and substitute "SECTION 4."

AND

Page 5, line 20 delete "SECTION 6." and substitute "SECTION 5."

AND

Page 5, delete lines 32 through 35 and substitute the following:

"SECTION 6. Arkansas Code § 20-19-102 is amended to read as follows:

20-19-102. Injuries to domesticated animals or persons by dogs or other animals.

(a)(1) ~~"Domesticated~~ As used in this section, "domesticated animals" includes, means any animal living in captivity and relying on humans for survival, including, but ~~is~~ not limited to, dogs, cats, sheep, goats, cattle, swine, horses, and poultry.

(2) Any person owning or having in possession or under control any dog or other animal shall be liable in damages to the owner or owners of any domesticated animals killed or injured by the dog or other animal in the full value of the domesticated animal killed or injured.

(b)(1) Any person engaged in raising domesticated animals or owning any domesticated animals who shall sustain any loss or damages to his or ~~their~~ her domesticated animals by any dog or other animal shall have a right of action against the owner, person, or controller of the dog.

(2) Any person having reason to believe that a dog or other animal may be a threat, to any domesticated animal or person, shall have the right to kill the dog or other animal.

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

(4) Any person who kills a dog or other animal pursuant to subdivision (b)(2) or (b)(3) of this section shall not be liable to the owner of the dog or other animal in any court of this state.

(c) The person sustaining loss or damage as mentioned in this section and desiring remuneration therefor may go before some justice of the peace of the county wherein the loss or damage occurred and make oath of the character of the loss or damage sustained, the value of the loss or damage, the dog or dogs, and the owner, possessor, or controller of the dog and file the same with the justice, who shall issue a summons stating the nature of the plaintiff's claim, the amount claimed, and the cost accrued, which shall be served and returned as in ordinary actions.

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

(2) If the defendant fails, neglects, or refuses to pay that amount, the justice shall try the cause as in other ordinary actions and give judgment in favor of plaintiff for the amount proved in the cause, for which

the defendant may be liable by the provisions of this section.

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

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator J. Jeffress

JDF/JDF - 03-22-2005 15:22

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Secretary