

1 HB206
2 101181-1
3 By Representatives Coleman, Fields, Page, Jackson, Dunn and
4 Moore (M)
5 RFD: County and Municipal Government
6 First Read: 03-FEB-09
7 PFD: 01/30/2009

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8 SYNOPSIS: Existing law does not expressly require the
9 owner of a dog who knows or should know that his or
10 her dog is a dangerous dog to post a warning sign
11 on the property where the dog is kept that is
12 clearly visible and informs persons that a
13 dangerous dog is on the property.

14 This bill would require the owner who knows
15 or should know that his or her dog is a dangerous
16 dog to post a warning sign on the property where
17 the dog is kept that is clearly visible and informs
18 persons that a dangerous dog is on the property.

19 This bill would provide for a criminal
20 penalty and provide for the distribution of any
21 fines imposed for a violation.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 Relating to dogs; to require the owner of a dog
21 known by the owner to be dangerous to post a warning sign on
22 the property where the dog is kept that is clearly visible and
23 informs persons that a dangerous dog is on the property; to
24 provide for criminal penalties and distribution of the fine;
25 and in connection therewith would have as its purpose or
26 effect the requirement of a new or increased expenditure of
27 local funds within the meaning of Amendment 621 of the

1 Constitution of Alabama of 1901, now appearing as Section
2 111.05 of the Official ReCompilation of the Constitution of
3 Alabama of 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) The owner of a dog which is known or
6 which should be known by the owner to be a dangerous dog shall
7 post a warning sign on the property where the dog is kept that
8 is clearly visible and that informs persons that a dangerous
9 dog is on the property.

10 (b) For purposes of this section, the term dangerous
11 dog means a dog that has without provocation bitten, attacked,
12 or endangered the safety of a person, who is on or off the
13 property of the owner of the dog. A dog shall not be defined
14 as dangerous if the dog while on the property of the owner
15 bites, attacks, or endangers the safety of a person who was
16 not lawfully on such property.

17 (c) A violation of this section shall constitute a
18 Class A misdemeanor.

19 (d) The proceeds from any fines imposed for a
20 violation shall be distributed to one or more humane animal
21 shelters designated by the local governing body of the
22 municipality or county in which the dog is kept.

23 (e) This section shall not be construed to repeal
24 other criminal laws. Whenever conduct proscribed by any
25 provision of this section is also proscribed by any other
26 provision of law, the provision which carries the more serious
27 penalty shall be applied.

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 3. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.