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North Dakota House of Representatives Judiciary Committee  
State Capital  
600 East Boulevard Avenue  
Bismarck, ND 58505

### **Testimony in Support of HB 1364**

Honorable Members of the House Judiciary Committee:

My name is Sean Johnson, and I reside in the Prairiewood Estates Second Subdivision of Apple Creek Township in Burleigh County. I am offering this testimony in support of HB 1364 relating to dogs as a public nuisance.

I presented the idea for this bill to Representative SuAnn Olson, who represents our subdivision in District 8, after a long and unfortunate chain of events which spanned the course of nearly two years related to a dangerous rottweiler dog. During this time, the rottweiler was allowed to run loose by the owner and subsequently proceeded to assault and terrorize residents and visitors to this area on several occasions.

I do not intend to dwell on the specifics of each instance or the severity of them because the facts that they occurred over the course of those two years is irrefutable. The fact that people also have a reasonable expectation not to live in fear of or experience an actual attack by a canine while on property they own or have a reason to be present on is also irrefutable. If such things do occur, people also have a reasonable expectation of effective intervention by and resolution from law enforcement and the courts.

It is this last point why this bill is before you today. All reasonable attempts were made to work with the owner to control and contain his dog. For reasons only he will fully know, he chose not to be a responsible pet owner in this regard. We then resorted to contacting law enforcement and were informed such matters were a civil matter versus a criminal one.

We do not dispute civil action is probably the correct outlet to seek redress through. North Dakota Century Code Chapter 42-03-01 does provide provisions for the court to act on the matter of nuisance dogs, but unfortunately these provisions **only apply when people are traveling peaceably on a public road or street**. This same part of the code is silent on the matter of nuisance dogs harassing people on their own property. Our situation drug on for an unreasonable amount of time because the harassment from the canine in question occurred primarily on private property he wandered on to.

This bill seeks to remedy that gap. Summarized, the bill if passed into law will allow a judge to take the same actions they can today to address nuisance dogs on public roads and streets, and **extends them to provide an outlet for redress to people on private property they have a right to be on, especially their own homes**. It also provides permissive language to the court to allow them to evaluate each situation based on its specific facts and circumstances, versus the prescriptive language that exists today.

I feel this change will provide the necessary civil relief that will prevent another neighborhood in North Dakota from having to go through what we did in Prairiewood over such an extended amount of

time, better avoid unfortunate and dangerous attacks by canines with a track record that meets nuisance criteria, but also allow a judge the latitude they need to apply the provisions of this law appropriately and when truly warranted.

I genuinely appreciate the opportunity to present a case for passage of this bill today and look forward to answering any questions you may have.

A handwritten signature in black ink, appearing to read "Sean M. Johnson", with a long horizontal flourish extending to the right.

Sean M. Johnson