

06 March 2023

Senate Judiciary Public Hearing Testimony

Bill 1364, Dogs as a public nuisance

Mr. /Madam Chairman, and members of the committee, my name is Anna Rozova. I reside in West Fargo, ND and I provide this testimony in opposition of this bill.

Currently, section 42-03-01 of the North Dakota Century Code, states that a dog habitually molesting/harassing a person traveling peaceably on the public road or street is considered a public nuisance. Two written complaints lead to the designation of such dog as a nuisance, and under section 42-03-02, the judge shall order any peace officer to kill and bury the dog, which order the peace officer shall forthwith execute.

While one can appreciate concerns some individuals may have about a stranger dog approaching them, one can also appreciate that the threshold for individual perception of harassment may vary significantly. A dog barking at a person, a dog jumping on a person, for some just seeing a dog of a specific breed, may be enough to feel harassed. The punishment for the dog is the same- death. Not even a humane euthanasia, but likely death by shooting. There is no distinction based on the type of harassment, designation of the dog as dangerous, attempt to humanely trap the dog, or, if the owner is known, apply a form of punishment to the owner. The verdict is nondiscriminatory and definitive- kill and bury the dog.

Bill 1364 seeks to expand the existing scope of the section 42-03-01 to the private property, stating that any dog outside the property of the dog's owner which enters the property of another without the permission of the property owner, and subsequently harasses individuals who are lawful entrants on the property, may be considered a public nuisance. It further specifies that if a dog enters a property and the dog's owner is unknown, it is presumed to have entered that property without permission of the property's owner. Which is not surprising, as dogs rarely are aware of property lines and even less frequently ask permission to enter.

The example that was given at the House hearing referred to a rottweiler who was "terrorizing" the neighborhood and animal control was unable to deal with it, as it was happening not on public property. This is truly unfortunate, and it does need to be addressed, but the question I have if killing of a dog is a good answer to this problem.

I can suggest another example that fits the framework of the proposed bill: a young dog (not yet neutered or microchipped) dashes through the house door and runs away. Accidents happen. He is not yet fully trained, young and full of energy. He happily runs free and enters an unfenced property of a family sitting in the back yard and enjoying their evening barbecue. He sees people, smells wonderful aroma of a grilled hamburger, and happily runs, announcing his arrival with a deep bark. He jumps on people, as people are friends, maybe even trying to grab some food from their plates. He does not mean any harm, he is loud and clumsy, and wants to play. However, the lady of the house is afraid of dogs. To her- this is harassment. To add to the trouble, the dog looks large and black. They file a written complaint. Well- according to the proposed bill, this dog should be put to death. There is no gradation, no impounding, no quarantine. The only proposed solution is death. Again, no attempt to deal with the issue in much more humane way. Moreover, the bill does not discriminate between rural and urban

settings, where resources available to handle such an animal vary. In my opinion, this matter would be more efficiently addressed by municipal ordinances rather than a state law. Local authorities are much better positioned to deal with such situations, considering available infrastructure.

I do recognize that a problem of the stray dogs exists, however, in all fairness, in large part it is a result of irresponsible dog ownership. Unfortunately, it is almost always the dog who pays the price. And the way this bill is written, under unfortunate circumstances, it can be your dog.

I urge you to vote “no” on this inhumane and non-discriminatory bill. We need to do better as human beings.

Respectfully,

Anna Rozova