

Susan R. Murphy  
6215 Preston Loop  
Bismarck, ND 58504  
(701) 550-1067

North Dakota House of Representative Judiciary Committee  
State Capitol  
600 E Boulevard Ave  
Bismarck, ND 58505

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

Honorable Members of the House Judiciary Committee:

My name is Susan Murphy and I am providing this testimony on behalf of my family in support of HB 1364 relating to dogs as a public nuisance.

I feel it important to share with this committee the terror that my family experienced due to a very aggressive rottweiler dog that was continuously uncontained and unsupervised in our neighborhood for a period of approximately six years. We reside directly adjacent to the dog and spent those six years unable to comfortably enjoy our property because we lived in constant fear of being attacked.

During this six-year period, my family, visitors to our property, and our family dog were continually harassed by the rottweiler within the bounds of our property. By "harassed" I mean chased, snarled at, barked at, and lunged at. Our dog and our neighbor's dogs were involved in multiple scuffles with the rottweiler. Thankfully, no human or animal suffered serious injury.

During this six-year period, we had many conversations with the dog's owners regarding the aggressive behavior. Unfortunately, the owners refused to recognize the dangerous nature of the dog or the seriousness of the constant harassment. My family was forced to remain prepared to protect ourselves any time we were outside the safety of our home. We learned not to walk out the front door without first looking to see if the dog was in our yard. We learned not to perform yard maintenance without some sort of protection. Additionally, we learned to be prepared to warn or protect any visitors to our yard, including children. There were times when we knew the rottweiler was loose and could not allow visiting children to play outside. There were times when people sat in the safety of their vehicles until we were certain the dog had gone away and would not attack.

During this six-year period, we placed a minimum of eight calls to law enforcement to report incidents involving the rottweiler. Each time that a Burleigh County Sheriff's Deputy responded, we were referred to North Dakota Century Code Chapter 42-03: Dogs As Public Nuisance. Unfortunately, we were also told that our situation did not fit

within this Chapter because each incident occurred within the bounds of our property, as opposed to “a public road or street”. The best the deputies could do for us was to speak to the dog’s owners and ask them to contain and control their dog. During one such incident, I was a witness as a deputy approached the dog owner’s home, was charged at by the rottweiler, and forced to dispense protective spray at the dog.

I have viewed the House Judiciary Committee video and read other testimony provided relating to HB 1364 and noticed some focus on 42-03-03: Hearing-Judgement-Execution, which states: “On the day of hearing the district or municipal judge shall hear the evidence in the case. If the judge finds that the dog is a public nuisance, judgment must be entered accordingly, and the judge shall order any peace officer to kill and bury the dog, which order the peace officer shall forthwith execute.” However, I would like to draw further attention to 42-03-01, of the proposed version, which clearly states what happens prior to 42-03-03: “Upon written complaint to a district or municipal judge describing the dog, giving the name of the dog and the dog's owner if known, and, if not, so stating, and alleging that the dog is a public nuisance, the district or municipal judge shall give notice to the dog's owner that a complaint has been filed that the dog has been harassing certain persons and that the owner shall take the necessary action to prevent the dog from any further violations of this chapter. If the district or municipal judge receives a further complaint regarding the dog after notice has been given under this section, the judge shall issue a summons, if the owner is known, commanding the owner to appear before the judge in the same manner as other court summonses.”

Throughout the six-year period, I witnessed countless situations where the rottweiler chased or lunged at people walking past on the street. During one such incident, the dog chased and charged at members of a family with very young children, including an infant in a stroller. This incident resulted in one of the victims filing an official complaint with Burleigh County District Court, as it fit within the Chapter because it took place on a “public road or street”. Accordingly, the dog’s owner was then notified by a district judge that a complaint had been received and was instructed to take the necessary action to prevent the dog from creating a nuisance.

If enacted, the proposed changes in HB 1364 would offer my family and all families of North Dakota protection within the bounds of our privately owned property. We all deserve to live our lives without fear.

Thus, I respectfully request that the members of this committee approve the passage of HB 1364. I appreciate the opportunity to provide this testimony and would welcome any questions.

Respectfully,

Susan R. Murphy