



SPONSOR: Rep. Morrison & Sen. Gay
Reps. Baumbach, Gray, Phillips, Ramone, Wilson-Anton;
Sen. Hocker

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 84

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ENFORCEMENT OF LAWS FOR PROTECTION AND CONTROL OF ANIMALS AND BARKING DOGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 30F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3032F. Enforcement of laws for protection and control of animals.

~~The constables of the several counties of this State, and the police force of the City of Wilmington, as well as all other places in the State where police organizations exist, shall, as occasion requires, assist the Office of Animal Welfare and the Department of Agriculture in the enforcement of all laws which are enacted for the protection of animals. All police officers shall, as occasion requires, assist the Office of Animal Welfare and the Department of Agriculture, in the enforcement of all laws which are enacted for the protection and control of animals.~~

§ 3033F. Fines and ~~penalties in certain cases; disposition; penalties.~~

All fines, penalties and forfeitures, imposed and collected in ~~any county~~ of the State under every act relating to or affecting cruelty to animals, animal fighting, dog control, dog barking, or dangerous animals, shall be remitted to the enforcing agency.

§ 3057F. Barking Dogs.

(a) No person who owns, possesses, harbors, or controls a dog may allow the dog to cause a noise disturbance by barking, whining, or howling for an extended period. An extended period means continuously for a period of 15 minutes or, intermittently, for 30 minutes or more.

(b) No violation of subsection (a) exists if at the time the dog is making such noise a person is trespassing or threatening to trespass upon private property where the dog is located, or if the dog is being teased or provoked.

(c) No violation under subsection (a) exists if, at the time the dog is making a noise disturbance, it is located in an animal shelter, pet store, dog grooming facility, veterinarian office, or animal clinic.

(d) A person who violates subsection (a) shall be subject to the following:

(1) For a first violation a written warning.

(2) For a second violation, only if it occurs 7 days or more after the first violation, a civil penalty of \$100.

(3) For a third violation a civil penalty of \$200.

(4) For each subsequent violation a civil penalty of \$300.

~~§ 3057F.~~ § 3058F. State dog law management.

(c) In addition to animal welfare officers, all police officers may ~~enforce~~ assist in the enforcement of the dog control laws and ordinances of the State or any of its political subdivisions.

~~§ 3058F.~~ § 3059F. Rules and regulations. The Department may adopt, amend, modify, or repeal ordinances, rules, and regulations to effectuate the policy and purposes of this chapter.

Section 2. This Act takes effect on July 1, 2024.

SYNOPSIS

This Act clarifies that police officers shall assist the Office of Animal Welfare and Department of Agriculture, as occasion requires, in enforcement of all laws for protection and control of animals. The Act prohibits the owner or person in possession or control of a dog from allowing the dog to bark for an extended period, defined as continuously for 15 minutes or more, or intermittently for 30 minutes or more. The Act exempts barking dogs if someone is trespassing on private property where the dog is located. The Act also exempts animal shelters, pet stores grooming facilities, veterinary offices and animal clinics. The Act also transfers the authority to impose and collect fines and penalties, for violations of laws relating to protection and control of animals, under this title to the enforcing agency. This Act takes effect on January 1, 2024.