

The State of New Mexico passed the “Dangerous Dog Act” a couple of years ago in response to concerns that aggressive dog attacks on people, pets, and livestock were not being adequately and evenly addressed. Language varied from county to county and municipality to municipality within each county. Though it has defined “Dangerous” and “Potentially Dangerous” it leaves it up to the animal control authority to declare it as such and apply to the court for a warrant to seize the animal.

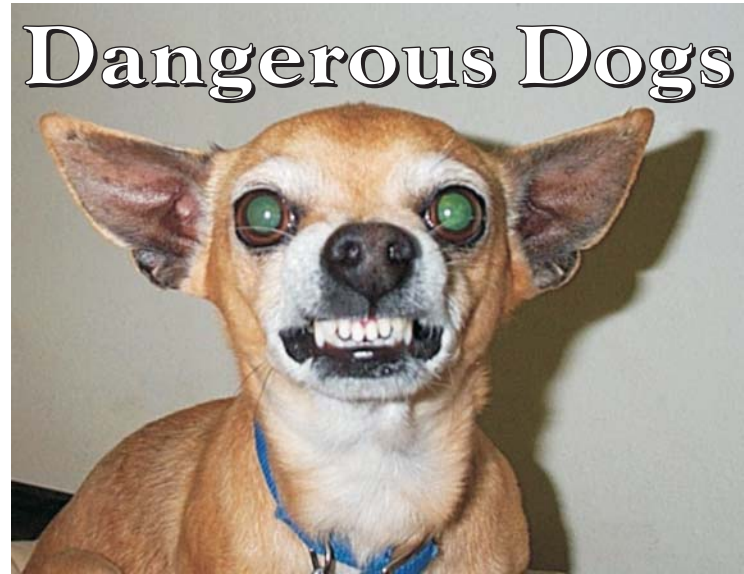
The Act defines a “dangerous dog” as “a dog that caused a serious injury (a physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery) to a person or domestic animal.”

Defining a “potentially dangerous dog” is much more complex and more open to interpretation. “Potentially dangerous dog means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by the following behaviors: (1) causing an injury to a person or domestic animal that is less severe than a serious injury; (2) chasing or menacing a person or domestic animal in an aggressive manner and without provocation; or (3) acting in a highly aggressively (aggressive) manner within a fenced yard or enclosure and appearing able to jump out of the yard or enclosure.

One concern about such a law is the possibility of people using it for retaliation and furthering feuds. To help prevent that the Act also includes exceptions. It states: “A dog shall not be declared a dangerous or potentially dangerous dog if: (A) the dog was used by a law enforcement official for legitimate law enforcement purposes; (B) the threat, injury or damage was sustained by a person or domestic animal who was: (1) trespassing upon premises occupied by the owner or the dog; (2) provoking, tormenting, abusing or assaulting the dog or had repeatedly, in the past provoked, tormented, abused or assaulted the dog; or (3) committing or attempting to commit a crime”.

It further excludes a dog that was: (1) responding to pain or injury; (2) protecting itself or its offspring; or (3) protecting or defending a human being or domestic animal from attack or assault.” The exceptions allow for a great deal of latitude and require significant evidence before a declaration could be made and a warrant issued.

The animals pictured below are only available for three days, but there are plenty of other choices! Visit the Valencia County Shelter, 1209 NM 314, one mile south of Main Street in Los Lunas. Open 8:00 am - 4:00 pm Tues - Sat. 866-2479



Any breed of dog can be a danger. Responsible owners can provide secure fencing, training, be aware of - and prevent - situations that might result in an attack.

After a dog has attacked a person or animal, even when the exclusions would be valid, the owner often voluntarily releases the dog to animal control to be euthanized. Some owners, however, do not want to give up the dog and will allow it to be held in quarantine and then pay any necessary fees to keep it. In such cases the injured individual may sue for compensation for damages in a civil court. However, the animal control authority may apply for a warrant to seize an animal if there is probable cause to believe that the dog is a dangerous or potentially dangerous dog.

If a dog has been seized the owner may admit that the dog is dangerous or potentially dangerous and comply with the requirements for a certificate of registration. If not, the animal control may, within fourteen days after seizure, bring a petition to seek determination by the court. However, “if animal control does not bring a petition in court within fourteen days of seizure of the dog, the court shall immediately order the release of the dog to its owner.”

The potential danger of a dog is difficult to conclude. The fear for a child or pet may hinge as much on the situation as the temperament of the dog. The safety of the community depends upon pet owners preventing attacks through training, secure fencing and keeping a watchful eye on their pets.

Certification of Registration Requirements

If a dog is deemed “potentially dangerous” the animal control authority shall issue a certificate of registration to the owner of the dog that establishes that: 1) the owner is able keep the dog under control at all times; 2) a license, if applicable, has been issued pursuant to the requirements of the jurisdiction; 3) the dog has a rabies vaccination; 4) the owner has a proper enclosure for the dog; 5) the owner has paid an annual fee, if applicable, established by the animal control authority to register a potentially dangerous dog; 6) the dog has been spayed or neutered; 7) the dog has been implanted with a microchip containing owner identification information that is also provided to the animal control authority; and 8) the owner has entered the dog in a socialization and behavior program approved or offered by the animal control authority.

There are additional requirements for a “dangerous dog”: 1) the owner has paid an annual fee, established by the animal control authority to register a dangerous dog; 2) permission from property owner or homeowners assoc; 3) dog will be exclusively on owner’s property except for medical exam or treatment; 4) when moved the dog must be caged or muzzled and restrained with a lead no longer than four feet and under complete control; 5) dog will not be transported in a vehicle that might allow the dog to escape or gain access to any person or animal outside the vehicle; and 6) signage with a conspicuous symbol indicating a dangerous dog is on the premises.

You can read the entire “Dangerous Dog Act” by visiting the Quixote Humane website: www.quixotehumane.org and click on “References”

Article and photo by Judy Babcock, Quixote Humane, Inc.