

capital job of it. There are many instances of very severe injury by dangerous dogs to people in our state even, and it is high time that we have legislation in effect that would help to protect these children especially, and even adults, for that matter. The one point I noticed was that in the penalty section that the first offense is called a Class, what, IV misdemeanor, and the second offense is the same thing with the additional provision that the animal be destroyed. I wonder if maybe we shouldn't even include that the animal be destroyed after the first offense. Thank you.

SPEAKER BARRETT: Thank you. The gentleman from the 2nd District, Senator Wehrbein.

SENATOR WEHRBEIN: Mr. President and members, I would like to ask Senator Wesely a question, and I will tell you where I am coming from. I had a call on this from an owner that thought maybe we were overreacting to the problem, and I just want to say it looks like to me this is a fair way to approach the problem as you have done it. I want you to know that. My question was that it appears to me there is kind of a warning in this, in other words, a dangerous dog is not really defined until something has happened so that the average homeowner who has a dog, perhaps as a guard dog or whatever, that may not know that his dog is dangerous, which is many times what happens, actually shouldn't be concerned unless something happens sometime, and then would have a reason to be warned that the dog may be dangerous, the way I interpret this.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Yes, Senator Wehrbein, that is a very good question. If you look at the bill, it talks about dangerous dog, and it says it has to be provoked. I mean, excuse me, it has to act as an unprovoked incident. If they are provoked, if somebody comes onto your property, if it teases the animal, if it does something to cause the dog to react, then that is not the dog's fault. So this bill protects that situation. Now unprovoked, if the dog chases after somebody and threatens and is going to attack them, then it is defined as a potentially dangerous dog, and really at that point nothing kicks in. But a second time that it comes after somebody, then it moves into the dangerous dog category and then you have got to put the pen in and all that stuff, and so actually you have got to have a third time that it really goes after somebody, and then they have got