

SENATOR CHAMBERS: Senator Wesely, are you aware that I cannot dig a hole on my property and place sharpened stakes in it, and the only way a person could get that...fall into that is to climb over the fence and be trespassing, that I could still be prosecuted if I do something like that, even to a trespasser?

SENATOR WESELY: That may still be possible under some other provisions. I'm just saying in terms of this bill it wouldn't.

SENATOR CHAMBERS: But if this bill creates an exemption, then it's like absolute immunity for the dog and the owner in that situation. For the record, whatever you have go ahead, I would like to hear.

SENATOR WESELY: Well the other part of is, if it's already declared a dangerous dog, I guess that would change the situation. This is in terms of the dog hasn't done anything else before and somebody comes on the property, is trespassing, and the dog attacks and defends the property. That wouldn't be under the provisions of the bill, but if it's a dangerous dog and it follows up on an attack, it's already had another instance, then a different situation would exist. So it's somewhat different.

SENATOR CHAMBERS: So we give this dog, as the law used to do, we give the dog one free bite on the trespasser and then, if there is another trespassing incident, that dog is then made subject to this bill?

SENATOR WESELY: Yes, but there is nothing now, evidently. I mean we're trying to do what we can, Senator Chambers, and recognizing the balancing that we have to do.

SENATOR CHAMBERS: Since I haven't looked well at your amendment, I'm not going to vote against it, because I know what you're trying to do, and the bill, basically, is good. I know what some of those who want to have these vicious dogs running loose in the rural areas are interested in doing, too, and you're trying to reach an accord. So, rather than try to hold it up, I'm just not going to vote for....In fact, to be safe, I know this will pass, I'm going to vote against it, and that is all the questions I have, Senator Wesely, thank you. There have been instances where people were victimized by what is called an attractive nuisance. It is something on private property which,