

TITLE 25
ANIMALS

CHAPTER 28
DOGS

25-2801. COUNTY DOG LICENSE TAX. The board of county commissioners of any county, at any meeting in any year, may make an order requiring all owners of dogs over an age which is to be set at the discretion of the board, within certain areas to be designated by the board as requiring dog control and lying outside the corporate limits of municipalities which have enacted and are enforcing a dog license law, to pay an annual license tax set by the board of county commissioners in each county, the said tax to be paid not later than sixty (60) days from date of said meeting at which the order is enacted; provided, that where an owner keeps dogs for breeding or commercial purposes, he shall be entitled to a kennel license covering fifteen (15) dogs which fee will also be set by the board of county commissioners in each county. Said order shall be in force and effect for one (1) year from its date and thereafter until rescinded by order of the board; and notice of such order shall be published in some newspaper of general circulation within the county in the two (2) successive issues of said paper immediately following the meeting at which such action is taken by the board of county commissioners.

[(25-2801) 1927, ch. 20, sec. 1, p. 24; I.C.A., sec. 24-2401; am. 1955, ch. 200, sec. 1, p. 429; am. 1965, ch. 169, sec. 1, p. 330; am. 1979, ch. 2, sec. 1, p. 5; am. 1985, ch. 9, sec. 1, p. 13.]

25-2802. LICENSE TAGS -- PROCEEDS OF TAX. Said license shall be paid in accordance with provisions of section [25-2801](#), Idaho Code, to the office or officer of the county as designated by the board of county commissioners of said county, who shall thereupon give to the person paying it a receipt reciting the owner's name and the number of the license, and also a metal tag or disc bearing the year of issue, the name of the county, and a license number corresponding with that mentioned in the receipt. The proceeds thereof shall be paid into the general fund of the county. In the event of loss of license tag, a duplicate, so stamped, shall be provided the owner by the county, at a reasonable cost for each duplicate tag.

[(25-2802) 1927, ch. 20, sec. 2, p. 24; I.C.A., sec. 24-2402; am. 1955, ch. 200, sec. 2, p. 429; am. 1978, ch. 299, sec. 1, p. 756; am. 1985, ch. 9, sec. 2, p. 13.]

25-2803. DOGS AT LARGE -- COLLAR AND TAG REQUIRED. No dog shall be permitted to go at large within the said county without having a collar about its neck with a license tag or disc attached thereto bearing the number of the license issued by the county as herein set forth, or by some municipality within said county. A violation of this section is an infraction punishable as provided in section [18-113A](#), Idaho Code.

[(25-2803) 1927, ch. 20, sec. 3, p. 24; I.C.A., sec. 24-2403; am. 1999, ch. 245, sec. 1, p. 632.]

25-2804. TAKING UP DOGS WITHOUT COLLAR AND TAG. After sixty (60) days from the date of the board's meeting at which this measure is adopted, it

shall be the duty of the sheriff of the county to seize and impound any and all dogs, other than those located in a municipality within said county which has enacted and is enforcing a dog license law, at large without a collar with such license tag or disc as prescribed in section [25-2803](#), Idaho Code. No dog which is impounded pursuant to this section shall be killed before five (5) days, excluding weekends and holidays, have elapsed from the time of the taking up of the dog. After the five (5) days, excluding weekends and holidays, have elapsed and a reasonable effort has failed to locate the owner, the sheriff or his delegate may kill the dog in a humane manner. It shall be the duty of the sheriff of the county or his delegate also to seize and impound any and all such dogs at large wearing collars with such license tags or discs, on which the owner has failed to obtain or renew the annual license; provided, that when a dog wearing a collar with a license attached has been taken up, the sheriff shall notify the owner, if known, who may thereupon recover possession of the dog on payment of the license fee, costs, and any pertinent county fine.

[(25-2804) 1927, ch. 20, sec. 4, p. 24; I.C.A., sec. 24-2404; am. 1941, ch. 135, sec. 1, p. 268; am. 1978, ch. 298, sec. 1, p. 755.]

25-2805. DOGS RUNNING AT LARGE -- PENALTY. Any person, who, after complaint has been made by any person to the sheriff, who shall serve a copy of said notice upon such person complained of, willfully or negligently permits any dog owned or possessed or harbored by him to be, or run, at large without a competent and responsible attendant or master, within the limits of any city, town, or village or in the vicinity of any farm, pasture, ranch, dwelling house, or cultivated lands of another, or who willfully or negligently fails, neglects or refuses to keep any such dog securely confined within the limits of his own premises when not under the immediate care and control of a competent and responsible attendant or master, shall be guilty of an infraction punishable as provided in section [18-113A](#), Idaho Code.

[(25-2805) 1919, ch. 72, sec. 1, p. 249; C.S., sec. 1912; I.C.A., sec. 24-2405; am. 1998, ch. 61, sec. 1, p. 219; am. 1999, ch. 245, sec. 2, p. 632; am. 2016, ch. 285, sec. 1, p. 785.]

25-2806. LIABILITY FOR LIVESTOCK AND POULTRY KILLED BY DOGS. The owner, possessor, or harbinger of any dog or animal that kills, worries, or wounds any livestock and poultry which are raised and kept in captivity for domestic or commercial purposes, is liable to the owner of the same for the damages and costs of suit, to be recovered before any court of competent jurisdiction:

1. In the prosecution of actions under the provisions of this section it is not necessary for the plaintiff to show that the owner, possessor, or harbinger of such dog or other animal had knowledge of the fact that such dog or other animal would kill or wound livestock or poultry which are raised and kept in captivity for domestic or commercial purposes.

2. Any person, on finding any dog, not on the premises of its owner or possessor, worrying, wounding, or killing any livestock or poultry which are raised and kept in captivity for domestic or commercial purposes, may, at the time of so finding said dog, kill the same, and the owners thereof can sustain no action for damages against any person so killing such dog.

[(25-2806) 1866, p. 104, sec. 4; R.S., sec. 1205; reen. R.C. & C.L., sec. 1220; C.S., sec. 1911; I.C.A., sec. 24-2406; am. 1947, ch. 170, sec. 1, p. 427; am. 1955, ch. 200, sec. 3, p. 429.]

25-2807. DOGS AS PROPERTY -- PROOF OF VALUE. Dogs are property; and when the value of any dog is material in any civil or criminal proceeding in this state, the same may be established under the usual rules of evidence relating to values of personal property. No entity of state or local government may by ordinance or regulation prevent the owner of any dog from protecting it from loss by the use of an electronic locating collar.

[(25-2807) 1927, ch. 211, sec. 1, p. 294; I.C.A., sec. 24-2407; am. 1991, ch. 72, sec. 1, p. 176.]

25-2808. DOGS USED IN LAW ENFORCEMENT. Neither the state of Idaho, nor any city or county, nor any peace officer employed by any of them, shall be criminally liable under the provisions of section [25-2810](#), Idaho Code, or civilly liable in damages for injury committed by a dog when: (1) the dog has been trained to assist in law enforcement; and (2) the injury occurs while the dog is reasonably and carefully being used in the apprehension, arrest or location of a suspected offender or in maintaining or controlling the public order.

[25-2808, added 1981, ch. 331, sec. 1, p. 692; am. 1999, ch. 312, sec. 1, p. 778; am. 2016, ch. 285, sec. 2, p. 786.]

25-2809. SHORT TITLE. Sections [25-2809](#) through [25-2812](#), Idaho Code, shall be known and may be cited as the "Idaho Dangerous and At-Risk Dogs Act."

[25-2809, added 2016, ch. 285, sec. 3, p. 786.]

25-2810. DANGEROUS AND AT-RISK DOGS. For purposes of this section:

(1) A person commits the crime of maintaining a dangerous dog or at-risk dog if the person owns, possesses, or harbors a dangerous dog or at-risk dog as described in subsection (4) (a) or (b) of this section unless otherwise in compliance with the provisions of an order pursuant to subsection (7) of this section. In all judgments rendered under this section, if the dog in question is still living, its disposition shall in all cases be determined in the same proceeding in accordance with this section to provide restrictions for the keeping of the dog or alternatively for its destruction.

(2) Anyone who owns, possesses, or harbors a dog found to be a dangerous dog or at-risk dog under this section is guilty of a misdemeanor unless otherwise in compliance with the provisions of an order pursuant to subsection (7) of this section.

(3) The court may also, in its discretion, order any individual found guilty of violating this section to pay the victim restitution related to medical expenses, property damage, property repair and replacement costs, if any, incurred as a result of the individual's violation of the provisions of this section.

(4) Definitions.

(a) "At-risk dog" means any dog that without justified provocation bites a person without causing a serious injury as defined in this section.

(b) "Dangerous dog" means any dog that:

(i) Without justified provocation has inflicted serious injury on a person; or

(ii) Has been previously found to be at risk and thereafter bites or physically attacks a person without justified provocation.

(c) "Justified provocation" means to perform any act or omission that a reasonable person with common knowledge of dog behavior would conclude is likely to precipitate a bite or attack by an ordinary dog.

(d) "Physically attack" means an aggressive action upon a person by a dog in which there is physical contact between the dog and the person.

(e) "Serious injury" means an injury to a person characterized by bruising, laceration, or other injury that would cause a reasonably prudent person to seek treatment from a medical professional without regard to whether the person actually sought medical treatment.

(5) No dog may be found to be a dangerous or at-risk dog when, at the time an injury or damage was sustained, the precipitating cause constituted justified provocation. Justified provocation includes, but is not limited to, the following:

(a) The dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;

(b) The person was committing a crime or offense upon the property of the owner or custodian of the dog;

(c) The person was at the time, or had in the past, willfully tormented, abused or assaulted the dog;

(d) The dog was responding to pain or injury or protecting its offspring;

(e) The dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury sustained was to a person who was interfering with the dog while the dog was working in a place where it was lawfully engaged in such activity, including public lands;

(f) The dog was a service animal individually trained to do work or perform tasks for a person with a disability; or

(g) The person was intervening between two (2) or more animals engaged in aggressive behavior or fighting.

(6) If a court finds that a dog is dangerous pursuant to the provisions of this section, in addition to any other penalty or liability provided in this section, the court may order the dog to be humanely put to death.

(7) If a court finds that a dog is dangerous or at risk pursuant to the provisions of this act, the court in its discretion may order the owner to comply with one (1) or more of the following restrictions and requirements:

(a) When outdoors, the dog shall be confined to a secure, locked enclosure from which it cannot escape and that unauthorized persons are prevented from accidental entry, and for which entrance and exit are controlled by the owner of the premises or owner of the dog;

(b) When off the property of the owner and not confined in a secure enclosure, the dog shall be kept on a secure leash by a competent adult physically capable of controlling the dog. The court shall have the discretion to order that the dog wear a muzzle capable of preventing the dog from biting if the dog is in any public area in which contact between the dog and the public is likely to occur;

(c) The dog shall be permanently identified by means of a color photograph in a file maintained by the court and local enforcement agency and by a microchip or tattoo used for the identification of companion ani-

mals at the expense of the owner. Microchip registration shall be reported in a timely manner by the owner of the dog to the local agency responsible for the control of such dogs. Upon demand, the owner shall provide access to the dog to any such agency or local law enforcement entity for the purposes of verifying microchip implantation or tattoo; and

(d) The premises on which the dog is kept shall be posted with clearly visible signs stating "Beware of Dog" and may also require posting of signs with a warning symbol that informs children of the presence of a dog that may be dangerous. Signs shall be visible from the closest roadway.

(8) Any owner of a dog designated as a dangerous or at-risk dog shall notify any local agency responsible for the control of such dogs upon the transfer of a dangerous or at-risk dog to another person within thirty (30) days of such transfer. In order to transfer ownership of a dog designated as a dangerous or at-risk dog, the current owner shall notify the new owner of any order issued by a court pursuant to the provisions of this act and provide a copy of such order prior to such transfer. All sanctions and restrictions placed upon the keeping of the dog by the court shall transfer to any person taking custody of such dog, and such person shall comply with all such sanctions and restrictions and be duly registered as the owner of a dangerous or at-risk dog by the local agency. Any owner relocating a dangerous or at-risk dog to another jurisdiction served by a different agency responsible for the control of such dogs shall notify both the previous agency and the responsible agency in the new location within thirty (30) days of such relocation.

(9) In the event a dog designated by a court as at risk does not subsequently act in a manner consistent with the definitions of a dangerous or at-risk dog, and providing that the owner and keeper of the dog has complied with all the provisions of this act, for a period of two (2) years, the restrictions and requirements imposed by the court shall be waived and the dog shall no longer be classified as at risk.

(10) During the pendency of a case to have a dog found dangerous or at risk, a law enforcement officer or officer of a local agency responsible for the control of such dogs shall be authorized to take the dog into custody and place the dog in a suitable place at a customary and reasonable expense to the owner pending final disposition of the charge against the owner. In lieu of keeping the dog at such facility, officers shall have the discretion to impose reasonable temporary restrictions upon the keeping of the dog at the property of the owner such that the dog is controlled and prevented from contact with others pending the final disposition of the case. Upon notification that an action pursuant to this subsection has been initiated by an officer authorized to enforce such action against a dog, the relocation or transfer of such dog to another shall be prohibited and constitute a violation of this section. The court may also, in its discretion, order any individual found guilty of violating this section to pay the law enforcement or animal control agency or animal shelter additional restitution related to impoundment costs, medical, and veterinary-related expenses, and any costs related to the care and keeping of the animal including costs of destruction and disposal of the animal.

(11) Any dog that physically attacks, wounds, bites or otherwise injures any person who is not trespassing, when such dog is not physically provoked or otherwise justified pursuant to subsection (5) of this section or as set forth in section [25-2808](#), Idaho Code, subjects either its owner or

any person who has accepted responsibility as the possessor, harbinger, or custodian of the dog, or both, to civil liability for the injuries caused by the dog. A prior determination that a dog is dangerous or at risk, or subject to any court order imposing restrictions or requirements pursuant to the provisions of this section, shall not be a prerequisite to civil liability for injuries caused by the dog.

[25-2810, added 2016, ch. 285, sec. 4, p. 786; am. 2019, ch. 300, sec. 1, p. 890.]

25-2811. PENALTIES. For persons with knowledge of an order by a court issued pursuant to the provisions of this act:

(1) A person guilty of a first violation of section [25-2810](#), Idaho Code, shall be guilty of a misdemeanor punishable by a fine of not less than two hundred dollars (\$200) and not more than five thousand dollars (\$5,000).

(2) A person guilty of a second violation of section [25-2810](#), Idaho Code, within five (5) years of the first conviction shall be guilty of a misdemeanor punishable by a jail sentence of not more than six (6) months or by a fine of not less than five hundred dollars (\$500) and not more than seven thousand dollars (\$7,000), or by both such fine and imprisonment.

(3) A person guilty of a third or subsequent violation of section [25-2810](#), Idaho Code, within fifteen (15) years of the first conviction shall be guilty of a misdemeanor punishable by a jail sentence of not more than twelve (12) months or by a fine of not less than five hundred dollars (\$500) and not more than nine thousand dollars (\$9,000), or by both such fine and imprisonment.

[25-2811, added 2016, ch. 285, sec. 5, p. 788; am. 2019, ch. 300, sec. 2, p. 893.]

25-2812. LOCAL REGULATION. The provisions of this act shall establish as state law minimum standards and requirements for the control of dogs that may threaten the public with injury and to provide for certain state crimes for violations of such minimum standards and requirements. Provided however, this act shall not supersede or invalidate existing ordinances of local governments or prohibit local governments from adopting and enforcing more restrictive definitions of a dangerous or vicious dog, as long as the local government's definition of a dangerous or vicious dog allows for acts of justified provocation as described in section [25-2810](#) (5), Idaho Code.

[25-2812, added 2016, ch. 285, sec. 6, p. 789; am. 2019, ch. 300, sec. 3, p. 893.]