

reporter shall be disclosed only upon a finding by the court that the report was false and made in bad faith.

(b) Notwithstanding the provisions of section 138.163:

(1) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, ~~the licensing agency finds~~ are found to be false may be destroyed two years after the finding was made;

(2) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, ~~the licensing agency finds~~ are found to be ~~unsubstantiated~~ inconclusive may be destroyed four years after the finding was made;

(3) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, ~~the licensing agency finds~~ are found to be substantiated may be destroyed seven years after the finding was made.

Approved June 4, 1985

CHAPTER 294 — H.F.No. 264

An act relating to animals; providing for a rabies control program; imposing criminal liability on persons who cause the death or substantial bodily harm of another by permitting certain animals to be unconfined or improperly confined; providing for the killing of dangerous animals; imposing penalties; amending Minnesota Statutes 1984, section 609.205; proposing coding for new law in Minnesota Statutes, chapters 346 and 609.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [346.50] DOGS; IDENTIFICATION.

An owner or custodian of a dog who permits the dog to be uncontrolled off the owner's or custodian's premises shall have the dog identified in one of the following ways:

(1) by a device, tag, or plate attached to the dog by a collar, harness, or device giving the name, address, and telephone number of the current owner;

(2) by an electronically activated identification device within or attached to the body of the dog through which the owner can be promptly identified;

(3) by a number legibly tattooed on the thigh, abdomen, or ear of the dog through which the owner can be promptly identified using information from

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official dog registries, city or county registries, veterinary hospital registries, or driver's license records;

(4) by an official license tag of a city or county through which the owner can be promptly identified; or

(5) by a current rabies vaccination tag or other identification device of a city, a county, or a veterinarian through which the owner can be promptly identified.

Sec. 2. **[346.51] BITES.**

An owner or custodian of a dog which does not have an appropriate anti-rabies vaccination and which bites or otherwise exposes a person to rabies virus may be penalized under section 4.

Sec. 3. **[346.52] LOCAL PROGRAMS.**

Sections 1 to 5 do not prohibit or restrict a local governmental unit from imposing an identification or rabies control program with more restrictive provisions or prohibiting dogs from running uncontrolled.

Sec. 4. **[346.53] PENALTIES.**

Violation of sections 1 and 2 is a petty misdemeanor.

Sec. 5. **[346.54] NOTIFICATION OF OWNERS.**

Animal shelter personnel who receive animals shall check for identification on each animal, identify the owner by the identification whenever possible, and promptly notify the owner of the location of the animal by the most expedient means.

Sec. 6. Minnesota Statutes 1984, section 609.205, is amended to read:

609.205 MANSLAUGHTER IN THE SECOND DEGREE.

Whoever A person who causes the death of another by any of the following means is guilty of manslaughter in the second degree and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both:

(1) By his culpable negligence whereby he creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or

(2) By shooting another with a firearm or other dangerous weapon as a result of negligently believing him to be a deer or other animal; or

(3) By setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

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(4) By negligently or intentionally permitting any animal, known by him the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to go at large run uncontrolled off the owner's premises, or negligently failing to keep it properly confined, and the victim was not at fault.

If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the victim provoked the animal to cause the victim's death.

Sec. 7. [609.226] HARM CAUSED BY A DOG.

A person who causes great or substantial bodily harm to another by negligently or intentionally permitting any dog to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined is guilty of a petty misdemeanor. A person who is convicted of a second or subsequent violation of this section involving the same dog is guilty of a gross misdemeanor.

If proven by a preponderance of the evidence, it shall be an affirmative defense to liability under this section that the victim provoked the dog to cause the victim's bodily harm.

Sec. 8. [609.227] DANGEROUS ANIMALS DESTROYED.

When a person has been convicted of a crime under section 609.205, clause (4), or of a gross misdemeanor violation of section 7, the court may order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency and killed in a proper and humane manner. The owner of the animal shall pay the cost of killing the animal. This section shall not preempt local ordinances with more restrictive provisions.

Sec. 9. EFFECTIVE DATE.

Sections 1 to 5 are effective August 1, 1985. Sections 6 to 8 are effective August 1, 1985, and apply to crimes committed on or after that date.

Approved June 4, 1985

CHAPTER 295 — H.F.No. 558

An act relating to metropolitan government; permitting the city of Bloomington and the transportation department to contract for a highway improvement; providing conditions for the disposal of certain sports facilities property; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.

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