

(15) The governor is empowered to apply for grants of money, equipment and materials which may be made available to the states by the federal government for leasing, building and equipping armories for the use of the military forces of the state which are reserve components of the armed forces of the United States, whenever the governor is satisfied that the conditions under which such grants are offered by the federal government, are for the best interests of the state and are not inconsistent with the laws of the state relating to armories, and to accept such grants in the name of the state. The Minnesota state armory building commission is designated as the agency of the state to receive such grants and to use them for armory purposes as prescribed in this chapter, and by federal laws, and regulations not inconsistent therewith.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Approved May 4, 1988

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**CHAPTER 711—S.F.No. 1744**

*An act relating to animals; regulating dangerous and potentially dangerous dogs; protecting the health and safety of dogs and cats left unattended in motor vehicles; providing penalties; amending Minnesota Statutes 1986, sections 609.226; and 609.227; proposing coding for new law in Minnesota Statutes, chapters 346 and 347.*

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

**Section 1. [347.50] DEFINITIONS.**

Subdivision 1. TERMS. For the purpose of sections 1 to 5, the terms defined in this section have the meanings given them.

Subd. 2. DANGEROUS DOG. "Dangerous dog" means any dog that has:

(1) without provocation, inflicted substantial bodily harm on a human being on public or private property;

(2) killed a domestic animal without provocation while off the owner's property; or

(3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 3. POTENTIALLY DANGEROUS DOG. "Potentially dangerous dog" means any dog that:

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(1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;

(2) when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or

(3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 4. PROPER ENCLOSURE. "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog.

Subd. 5. OWNER. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having custody or control of a dog.

Subd. 6. SUBSTANTIAL BODILY HARM. "Substantial bodily harm" has the meaning given it under section 609.02, subdivision 7a.

## Sec. 2. [347.51] DANGEROUS DOGS; REGISTRATION.

Subdivision 1. REQUIREMENT. No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

Subd. 2. REGISTRATION. A county shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property; and

(2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the county in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

Subd. 3. FEE. The county may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

Subd. 4. LAW ENFORCEMENT; EXEMPTION. The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

Subd. 5. EXEMPTION. Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

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(1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) who was provoking, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have provoked, tormented, abused, or assaulted the dog; or

(3) who was committing or attempting to commit a crime.

**Subd. 6. COUNTIES WITHOUT LICENSING SYSTEMS.** If an owner of a dangerous dog resides in a county that does not license dogs under sections 347.08 to 347.21, the owner shall obtain a certificate as required under this section from the county auditor in the county where the owner resides.

**Sec. 3. [347.52] DANGEROUS DOGS; REQUIREMENTS.**

An owner of a dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal, but that will not cause injury to the dog or interfere with its vision or respiration.

**Sec. 4. [347.53] POTENTIALLY DANGEROUS DOGS.**

Any statutory or home rule charter city, or any county, may regulate potentially dangerous dogs. Nothing in sections 1 to 5 limits any restrictions the local jurisdictions may place on owners of potentially dangerous dogs.

**Sec. 5. [347.54] CONFISCATION.**

Subdivision 1. DANGEROUS DOGS. The county shall immediately confiscate any dangerous dog if:

(1) the dog is not validly registered under section 2;

(2) the owner does not secure the proper liability insurance or surety coverage as required under section 2, subdivision 2;

(3) the dog is not maintained in the proper enclosure; or

(4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 3.

**Sec. 6. [346.57] DOGS AND CATS IN MOTOR VEHICLES.**

Subdivision 1. UNATTENDED DOGS OR CATS. A person may not leave a dog or a cat unattended in a standing or parked motor vehicle in a manner that endangers the dog's or cat's health or safety.

Subd. 2. REMOVAL OF DOGS OR CATS. A peace officer, as defined in section 626.84, a humane agent, a dog warden, or a volunteer or professional

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member of a fire or rescue department of a political subdivision may use reasonable force to enter a motor vehicle and remove a dog or cat which has been left in the vehicle in violation of subdivision 1. A person removing a dog or a cat under this subdivision shall use reasonable means to contact the owner of the dog or cat to arrange for its return home. If the person is unable to contact the owner, the person may take the dog or cat to an animal shelter.

Subd. 3. PETTY MISDEMEANOR. A person who violates subdivision 1 is subject to a fine of \$25.

Sec. 7. [347.55] PENALTY.

Any person who violates any provision of section 2 or 3 is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1986, section 609.226, is amended to read:

**609.226 HARM CAUSED BY A DOG.**

Subdivision 1. GREAT OR SUBSTANTIAL BODILY HARM. 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.

Subd. 2. DANGEROUS DOGS. If the owner of a dangerous dog, as defined under section 1, subdivision 2, has been convicted of a misdemeanor under section 7, and the same dog causes bodily injury to a person other than the owner, the owner is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 3. DEFENSE. 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. 9. Minnesota Statutes 1986, section 609.227, is amended to read:

**609.227 DANGEROUS ANIMALS DESTROYED.**

When a person has been ~~convicted of~~ charged with a crime under violation of section 609.205, clause (4), or of 609.226, subdivision 2 or 3, or a gross misdemeanor violation of section 609.226, subdivision 1, the court ~~may~~ shall order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency ~~and~~. The animal shall be killed in a proper and humane manner if the person has been convicted of the crime for which the animal was seized. The owner of the animal shall pay the cost of confining and killing the animal. This section shall not preempt local ordinances with more restrictive provisions.

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**Sec. 10. EFFECTIVE DATE.**

Sections 7 to 9 are effective August 1, 1988, and apply to crimes committed on or after that date.

Approved May 4, 1988

**CHAPTER 712—S.F.No. 1821**

*An act relating to crimes; requiring certain driver's manual information; requiring a warning label on replica firearms; expanding the crimes of burglary and aggravated robbery; enhancing penalties for persons who flee a police officer a second or subsequent time; creating the felony offense of terrorizing with a replica firearm; making certain technical corrections to theft and theft-related offenses; requiring local governments to establish pursuit procedures and training requirements; requiring reporting of police pursuits to the department of public safety; amending Minnesota Statutes 1986, sections 171.13, by adding a subdivision; 609.245; 609.487, subdivision 3; 609.582, subdivisions 1, 2, 3, and 4; 609.59; 609.713, by adding a subdivision; 626.843, subdivision 1; and 626.845, subdivision 1; Minnesota Statutes 1987 Supplement, sections 256.98, subdivision 1; 268.18, subdivision 3; 609.52, subdivision 3; 609.531, subdivision 1; 609.631, subdivision 4; 609.821, subdivision 3; and 628.26; proposing coding for new law in Minnesota Statutes, chapters 325F and 626.*

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

Section 1. Minnesota Statutes 1986, section 171.13, is amended by adding a subdivision to read:

Subd. 1c. DRIVER'S MANUAL; FLEEING A PEACE OFFICER. The commissioner shall include in each edition of the driver's manual published by the department a section relating to the criminal sanctions and forfeiture provisions applicable to persons who flee a peace officer in a motor vehicle.

Sec. 2. Minnesota Statutes 1987 Supplement, section 256.98, subdivision 1, is amended to read:

Subdivision 1. **WRONGFULLY OBTAINING ASSISTANCE.** A person who obtains, or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, by intentional concealment of a material fact, or by impersonation or other fraudulent device, assistance to which the person is not entitled or assistance greater than that to which the person is entitled, or who knowingly aids or abets in buying or in any way disposing of the property of a recipient or applicant of assistance without the consent of the local agency with intent to defeat the purposes of sections 256.12, 256.72 to 256.871, and chapter 256B, or all of these sections is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (2), (3), (6), and (7).

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