

(H.B. 595)

(No. 158)

(Approved July 23, 1998)

AN ACT

To amend Sections 1, 2, 3 and 10 of Act No. 70 of June 23, 1971, as amended, in order to include among those animals whose introduction, importing, possession, acquisition, breeding, sale and transfer are prohibited by the Secretary of Agriculture of Puerto Rico, Pitbull Terriers and any other dog product of their cross-breeding, provide for their registration in the registry created for such purposes in the Department of Agriculture; and to amend the provisions on the penalties in said Act; and for other purposes.

STATEMENT OF MOTIVES

Our pets hold a very important place in our lives; therefore we must take good care of them and give them our love in return for their companionship and unconditional loyalty. Dogs, in particular, are the pets that most interact with man. They entertain and protect us, and are immensely useful for the visually impaired, acting as, guides and helping them to perform simple tasks. It is for those reasons, and for many more, that they are known as "man's best friend".

However, both in England and in the United States, by cross-breeding different strains of dogs the breed known as the pitbull terrier was developed to be used in dog fights. This animal is strong, has very powerful jaws and is extremely aggressive. It has great stamina and the capacity to keep fighting for long periods of time. Even though if raised to be tame, they

might display a gentle nature, their extreme aggressiveness could suddenly be manifested at any moment during their adult life. This is made evident by the many documented attacks on people. It is a well known fact that hundreds of children and adults have been attacked and mutilated by these dogs. Therefore many states in the United States have prohibited their possession, acquisition, sale and transfer.

The Legislature believes that it is imperative to put an end to this situation and therefore, in order to protect the citizens, deems it necessary to prohibit the introduction, importing, possession, acquisition, breeding, purchase, sale and transfer in Puerto Rico of these dogs that belong to the breed known as Pitbull Terriers.

Act No. 70 of June 23, 1971, as amended, is hereby amended so as to achieve the objective of greater public safety, by including the breed of dog described above among those animals designated by the Secretary of Agriculture as harmful to the safety of human beings.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 1 of Act No. 70 of June 23, 1971, is hereby amended to read as follows:

“Section 1.-

The introduction, possession, acquisition, sale or transfer in the Commonwealth of Puerto Rico of those fishes, also including mollusks and crustaceans, as well as amphibians, reptiles, wild birds, microorganisms, insects, wild mammals, or their eggs or progeny, which the Secretary of Agriculture designates as harmful to the agricultural, cattle and crop raising, horticultural, forestry or wild life interests, or that because of their predatory or poisonous nature could constitute a threat or risk to the life or safety of human beings, is hereby prohibited.

The introduction, import, possession, acquisition, breeding, purchase, sale and transfer in any form in the island of Puerto Rico, of the dogs known as “Pitbull Terriers”, or hybrids produced by cross-breeding with dogs of other breeds, is also prohibited.

Regardless of the above, the owners of dogs of the aforementioned breed may use the mechanism set forth below to continue owning said animals.

The matter concerns the product of cross-breeding bulldogs and terriers. This product is defined as a breed of bull terriers which includes Staffordshire Bull Terriers, American Staffordshire Terriers, American Pitbull Terriers and crossbreeds of these and other terrier strains. They are difficult to distinguish from other strains because of their similarities, but essentially they can be distinguished from other canine breeds for their:

- Height: 14 to 19 inches
- Weight: females from 30 to 50 pounds and
males from 35 to 50 pounds
- Head: ovular, protruding cheekbones and jaw
- Eyes: black, small and triangular
- Body: muscular, thick and compact
- Coat: short and glossy.

Any person who on date of approval of this Act owns a dog or dogs of any breed mentioned above shall register said dog or dogs in the register provided for said purpose in the Department of Agriculture. Registration shall be made within the eight (8) months following the approval of this Act. After that grace period, the opportunity to register them shall conclude, and the Register shall be closed.

The registration application shall include the name, address and telephone number of the owner, the location where the animal shall be kept and all other information needed to identify the dog. Said application shall include a registration fee of twenty five (25) dollars.

Every dog thus registered shall be assigned a registration number which shall be engraved on a small metal plaque to be attached to the collar of said dog. In addition to the metal plaques duly engraved with the registration number, the owner will receive a certificate of registration in evidence that the dog has been duly registered in the Department of Agriculture.

Should the dog be a female, she shall be spayed and tattooed with an indelible sign evidencing said surgical procedure, and the corroborating document signed by a veterinarian shall be required by the Department of Agriculture prior to registration.

Any dog who does not have said plaque with its engraved registration number after the eight (8) month grace period, and whose owner does not produce the registration certificate, shall be immediately impounded by the pertinent authorities.

Regardless of the above, the owner of one or more of these animals may choose to avail him/herself of the provisions of Section 5 of this Act. The provisions of Section 4 of this Act will not apply."

Section 2.- Section 2 of Act No. 70 of June 23, 1971, is hereby amended to read as follows:

"Section 2.-

The Secretary of the Department of Agriculture is hereby empowered to designate through regulations, those species of the animals, microorganisms, insects, eggs or progeny mentioned in Section 1 of this Act, which in his/her judgment should be designated as harmful species and whose introduction,

possession, acquisition, sale or transfer in the Commonwealth of Puerto Rico must be prohibited. Once the Secretary has drafted any regulation and before it is adopted or amended, the Secretary shall hold public hearings after giving public notice of the date, place and nature of said hearings in the form and manner he/she may deem proper. The Regulations shall be promulgated pursuant to the provisions of Act No. 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico".

Section 3.- Section 3 of Act No. 70 of June 23, 1971, is hereby amended to read as follows:

"Section 3.-

All shipments of species of wild mammals, wild birds and fishes, also including mollusks and crustaceans, amphibians, reptiles, microorganisms, insects, and their eggs or progeny, which have been expressly prohibited through this Act or by the Secretary of the Department of Agriculture must be promptly returned or destroyed, and charged to the importer or consignee."

Section 4.- Section 10 of Act No. 70 of June 23, 1971, is hereby amended to read as follows:

"Section 10.-

Any person who violates the provisions of this Act or the regulations promulgated by virtue thereof, shall incur a misdemeanor and upon conviction, shall be punished with a fine that shall not exceed one thousand (1,000) dollars or a term of imprisonment that shall not exceed one (1) year, or both penalties at the discretion of the Court. In the case of recurrence the established penalty shall be increased to a maximum of five thousand

(5,000) dollars or a term of imprisonment that shall not exceed three (3) years, or both penalties at the discretion of the Court."

Section 5.- This Act shall take effect immediately after its approval.

May 23, 2000

Luis G. Hidalgo, Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that he has duly compared the English and Spanish texts of Act No. 158 (H.B. 595) of the 3rd Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to amend Sections 1, 2, 3 and 10 of Act No. 70 of June 23, 1971, as amended, in order to include among those animals whose introduction, importing, possession, acquisition, breeding, sale and transfer are prohibited by the Secretary of Agriculture of Puerto Rico, Pitbull Terriers and any other dog product of their cross-breeding, provide for their registration in the registry created for such purposes in the Department of Agriculture; and to amend the provisions on the penalties in said Act; and for other purposes,

and finds the same are complete, true and correct versions of each other.

Luis G. Hidalgo