

Legal Briefs

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Dog Bites

Although dogs may be a person's best friend, they are potentially dangerous property in the eyes of the law.

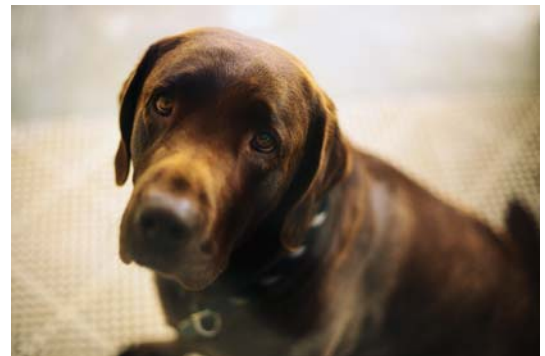
Following widely-publicized maulings, many communities and states have enacted or considered legislation to hold dog owners liable for their pets' first unprovoked attack on humans.

But isn't "every dog entitled to one bite?" In a word, no. That saying is an imprecise paraphrase of old English laws under which dog owners generally would not be held accountable for their pet's "first bite" unless the owner knew or should have known that the dog had a propensity to bite. After the first bite, the owner would be put on notice and could be held liable for any subsequent incidents.

Even under that rule, which may still be in effect in some states, a dog may not actually have to bite someone for the owner to be put on notice that it is *likely* to bite someone. A dog's habit of snarling and lunging at passersby, for example, might be enough to alert the owner of the dog's dangerous nature.

And although there is considerable debate over whether an entire breed can be viewed as "vicious," some juries may view a pit bull owner's explanations with the sort of skepticism auto insurers accord drivers of high-performance sport cars.

Well, if state laws are rendering owners liable for their dogs' first bite, what good is a guard dog?



The answer is that if you would be entitled to shoot an intruder because you reasonably believed you were in imminent danger of serious harm, your dog would also be entitled to attack. On the other hand, you would not be entitled to shoot a small child who wandered onto your property; nor would you be allowed to permit your dog to attack him or her.

For situations falling between those two extremes, some states permit dog owners to defend a lawsuit by showing that their pet was provoked, that the victim was a trespasser, or that the property was posted with warning signs.

Of course, owners who "sic" their dogs on someone run the risk of being charged with assault or even murder, just as if they had deliberately shot that person. In sum, then, owners should be alert to their dogs' temperament and take appropriate precautions to protect others from harm. In many states, simply saying "He never bit anyone before" may be akin to saying "I didn't know the gun was loaded"—a less than perfect defense to a negligence suit.