

## BSL faq

DogsBite.org | <http://www.dogsbite.org/legislating-dangerous-dogs-bsl-faq.php>

### Q: What is a breed-specific law (BSL)?

A breed-specific law is a type of dangerous dog law. It is defined as any ordinance or policy that pertains to a specific dog breed or breeds, but does not affect any others. Proponents of breed-specific laws seek to limit public exposure to dangerous dogs by regulating ownership of these breeds. The objective of breed-specific laws is to prevent future attacks before an occurrence.

Dangerous dog laws that are non breed-specific punish a dog owner after an attack and subsequently leave new victims in their wake. The trend in the U.S. and across the world is to regulate a class of dogs that have a genetic propensity to attack so that first attacks by them can be avoided. First attacks by pit bulls, for instance, almost always result in severe injury.

### Q: What kinds of dogs are included in these laws?

Breed-specific laws were invented to regulate pit bulls. This class of dogs is comprised of several breeds, including: American pit bull terrier, American Staffordshire terrier and Staffordshire bull terrier. The American bulldog can also be classified within this group; the two breeds share a common gene pool and are close cousins. The breed standard for the American bulldog, Scott-type, was developed by crossing early Johnson lines with the American pit bull terrier.<sup>1</sup>

Though pit bulls are by far the most popular "fighting breed," several U.S. cities have expanded breed-specific laws to incorporate additional fighting breeds, including: dogo argentino, tosa (tosa inu), fila brasileiro (Brazilian mastiff), cane corso, presa canario and presa mallorquin. Yet, these instances are rare. The focal point of breed-specific laws revolves around pit bulls. This is because this class of dogs is the most common and negatively impacts communities the most.

### Q: Why not just enforce the laws we already have?

Most cities have laws that take effect after a person has been bitten, in some instances, only after a *second* person has been bitten. In these cities, a pit bull can attack two separate victims, leaving each with serious injury before any substantial penalties are triggered. Such laws were designed for "common" dog bites, not a pit bull bite that often results in life-altering damage.

When it comes to pit bulls, enforcing existing laws does not prevent attacks that inflict debilitating injury. Most current dog laws also fail to sufficiently penalize a dog owner after a severe attack. Cases abound where the owner of a dog is fined \$50 for failing to leash their pet after a victim is

---

<sup>1</sup> American bulldog, Molosserdogs.com, July 4, 2009.

seriously hurt. Such laws do not recognize that medical bills from pit bull injury often start at \$20,000 and swiftly fly beyond.

Breed-specific laws do recognize victim injury and require owners of these breeds to abide by safety rules before an attack, such as mandatory sterilization and muzzling when off-property. If the owner fails to abide, sizable fines result. Most breed-specific laws also require owners to carry liability insurance in the amount of \$100,000 to \$250,000. So if an attack does occur, the victim can receive medical payment.

## **Q: What are the most common types of breed-specific laws?**

### **Breed Ban**

Breed-specific laws fall into several categories. The most publicized is a "breed ban," which prohibits future ownership and reproduction of a specific breed. As mentioned earlier in the FAQ, nearly all breed-specific laws target pit bull type dogs, particularly in the instance of a breed ban.

An often-voiced tactic by those who oppose bans is that the law will seize and kill all dogs of a given breed. This is untrue. Nearly all bans allow existing dogs to remain with their owners. The goal of a ban is to eliminate "future" breeding and dramatically reduce the number of dangerous dogs within a community. This is why in the instance of a pit bull ban, existing pit bulls must be altered once the ban becomes law.

Cities of all sizes across the U.S. have enacted pit bull bans from large-sized to rural. A handful of these cities include: Denver, Miami, Cincinnati, Yakima, Kansas City, Independence, Council Bluffs and Jacksonville. Entire counties have as well, including: Prince George's County, Maryland and Bracken County, Kentucky. To find out if cities within your state have passed a pit bull ban or other breed-specific ordinance, please see our state-by-state guide.

### **Automatic Labeling**

Another type of breed-specific law is to declare a breed "potentially dangerous" or "dangerous," which triggers various regulations for the dog's owner. Both definitions vary from state-to-state, but the former has fewer requirements. Shared requirements may include: higher registration fees, muzzling when off-property and microchipping for identification purposes.

When a dog breed is declared "dangerous" or "vicious" additional regulations apply, which often includes: liability insurance ranging from \$100,000 to \$250,000, a special on-property confinement pen and posting Dangerous Dog warning signs. Some cities also require mandatory sterilization, photos of the dog be supplied to the police and a limit of one "vicious" dog per household.

U.S. cities from coast-to-coast have passed automatic labeling laws, including the whole state of Ohio that declares pit bulls "vicious." Little Rock, Arkansas passed a pit bull ordinance in 2008 declaring the breed "potentially dangerous." The ordinance requires pit bull owners to sterilize and register their dogs and to place a sticker on their home indicating a pit bull is inside.<sup>2</sup>

---

<sup>2</sup> Enforcing Pit Bull Restrictions, by David Goins, Fox16 News, June 6, 2008.

### **Mandatory Spay / Neuter**

Another form of breed-specific law that is growing in popularity is mandatory spay/neuter. Nearly all large cities are plagued with a similar reality: pit bulls occupy 50% or more of animal shelter space, high pit bull euthanization rates and a high number of pit bull bites. Due to these reasons, San Francisco enacted a pit bull sterilization law in 2006. Results of the law show a reduction in all three areas.<sup>3</sup> A number of other California municipalities have enacted a similar law including: Barstow, Gilroy, Lancaster, Manteca, Ripon, San Bernardino County and Sonoma County.

### **Q: How does a city enforce a breed-specific law?**

The model for most cities is to "enforce as you go." Authorities take action as they become aware of infractions or as complaints are received. For example, San Francisco issues a "Fix It" ticket when a person is caught having an unaltered pit bull. The owner then has two-weeks to neuter the dog. If the owner fails to provide proof of surgery after this time, he or she is fined \$500.<sup>4</sup>

The fundamental revenue source for city animal control services is pet licensing fees. Yet the majority of pet owners do not license their pets. In order to recoup these lost fees, animal agencies devote personnel to this task. These officers issue tickets at dog parks and sometimes even to go to a person's home. If a breed-specific law is passed, the same officers can check for violations of the breed-specific law in the course of normal duties.

### **Q: Is enforcement of a breed-specific law expensive?**

This depends upon the chosen method of enforcement and size of the city. Most mid and large-sized cities operate on the basis of "enforcement as you go." For instance, when Council Bluffs, Iowa (population 60,000) enacted a pit bull ban in 2005, animal control services embraced this method. As a result, the agency did not see a negative affect on its budget.

Based on registered dogs, Council Bluffs animal control established a list of dogs in compliance with the ordinance. These owners were required to sterilize, license and microchip their dogs and obtain liability insurance. Afterward, if a complaint was filed, officers could check the list and determine right away if the owner was compliant. If he or she was not, several actions were triggered, including impounding the dog.<sup>5</sup>

Larger cities that hire additional personnel for enforcement use increased registration fees to offset these costs. In 2005, for instance, the City of Aurora, Colorado (population 300,000) banned a group of "fighting breeds." In a report issued more than two years after the implementation of the ban, animal control services said that the higher registration fee for restricted breeds covered much of the day-to-day costs of the ban, including added personnel.

The other factor that offset the cost of the Aurora Fighting Breed ban was shelter occupancy rates. Before the ban, 50% percent of shelter space was devoted to these breeds. Due to their genetic

---

<sup>3</sup> Cities with Successful Pit Bull Laws; Data Shows Breed-Specific Laws Work, DogsBite.org, September 23, 2010

<sup>4</sup> S.F. Sterilization Law Successful in Reducing Pit Bull Population, by Marisa Lagos, *San Francisco Chronicle*, August 28, 2007.

<sup>5</sup> Information supplied by Council Bluffs Animal Control Services.

propensity to attack other animals, these types of dogs require special housing and attention from personnel. Within two years of passing the ban, the occupancy rate of these breeds dropped to 10%, whereby freeing up human resources and shelter space.<sup>6</sup>

### **Q: I own a German shepherd; will my dog be regulated next?**

Pit bull advocates and humane organizations often use scare tactics to help gain support for their cause. They say if pit bulls are banned today, German shepherds and cocker spaniels will be banned tomorrow. The former Dog Warden for Lucas County, Ohio, Tom Skeldon, was the most recognized authority in the U.S. concerning pit bull regulations during his tenure. In a 2005 article, Skeldon highlights this scare tactic:

"Some humane groups have been manipulated by these pit bull factions to where they fight breed-specific legislation using scare tactics like 'your breed will be next.' And for 13 years, their breed hasn't been next."<sup>7</sup>

Communities that enact breed-specific laws usually do because a single class of dogs -- pit bulls -- constitutes a small percent of the registered dog population but commits a large number of bites. This is further compounded by the fact that many pit bull bites result in severe injury. The rational basis for regulating pit bulls, as opposed to any other breed, is that selective breeding has produced a dog with bite and attack traits unlike any other dog.

### **Q: Are breed-specific laws constitutional?**

At least seven U.S. State Supreme Courts have upheld the constitutionality of breed-specific laws including: Ohio, Colorado, Iowa, Arkansas, Utah, Washington and Kansas. At least six State Appeals Courts have as well, among them, courts located in Ohio, Kentucky, Missouri, Wisconsin, Florida and New Mexico. The U.S. Supreme Court has also weighed in favorably on the subject of breed-specific laws.

In February of 2008, the U.S. Supreme Court refused to hear an appeal from the Ohio State Supreme Court's decision in the Toledo vs. Tellings case. Pit bull advocates had argued that the law was unconstitutional on several grounds, all of which the Ohio State Supreme Court rejected. By refusing the appeal, the United States Supreme Court declared Toledo's breed-specific law constitutional, and the case cannot be appealed further.<sup>8</sup>

---

<sup>6</sup> City Reports Fewer Bites, Licenses for Restricted Dogs Since Breed Ban, by Adam Goldstein, *Aurora Sentinel*, July 2, 2008.

<sup>7</sup> Bulldog Approach to Warden's Job Makes Skeldon a Favorite Target, by Dale Emch, *Toledo Blade*, February 21, 2005

<sup>8</sup> United States Supreme Court Leaves Intact Ohio Supreme Court's Ruling that Breed-Specific Legislation is Constitutional, DogsBite.org, February 26, 2008

## About Us

DogsBite.org is a national dog bite victims' group dedicated to reducing serious dog attacks. Through our work, we hope to protect both people and pets from future attacks. Our website, [www.dogsbite.org](http://www.dogsbite.org), was launched in October 2007 and contains a wide collection of data to help policymakers and citizens learn about dangerous dogs. Our research focuses on pit bull type dogs. Due to selective breeding practices that emphasize aggression and tenacity, this class of dogs negatively impacts communities the most. Our website hosts important dog bite studies, U.S. dog bite fatalities and other key bibliographies. In the Legislating Dogs portion of our site, we offer examples of breed-specific laws (state-by-state) and documentation of the constitutionality of these laws. The Victim Realities section provides a glance into the unforgettable stories victims leave behind and much more. DogsBite.org operates out of Austin, Texas.



**DogsBite.org**

P.O. Box 12443

Austin, TX 78711

**[www.dogsbite.org](http://www.dogsbite.org)**

[info@dogsbite.org](mailto:info@dogsbite.org)