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# AR-News: (US DE) Dog owner charged with felony

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The Newsw Journal

Pit bull mauled 7-year-old girl in Elmhurst; animal euthanized

By TERRI SANGINITI

Staff reporter

04/22/2004

A Richardson Park woman whose pit bull mauled a 7-year-old girl earlier this month was charged Wednesday under a new state law for maintaining a dangerous dog.

SPCA director John E. Caldwell said it is the first time anyone in the state has been charged with the felony statute enacted two years ago after a pit bull killed 2-year-old Zachary Grant in the back yard of his grandfather's Fox Point home. The charge applies when a dangerous animal kills or injures a person or animal in an unprovoked or unjustifiable attack.

Melissa L. Carter, 31, of the 500 block of Eureka Ave., was released on \$5,000 unsecured bail Wednesday after being charged with two counts of dog running at-large and biting, and the felony charge.

SPCA animal control Officer Peter Corcoran determined that Carter's 2 1/2-year-old pit bull ran after a group of children April 9 in the 100 block of Lake Street in Elmhurst and bit three people, including a 7-year-old girl who suffered serious leg wounds, a 10-year-old boy and a 38-year-old woman who ran to the girl's rescue, Caldwell said.

"When the dog was running at large, he bit a 10-year-old boy minutes after he attacked the girl," Caldwell said.

According to court records, the 38-year-old woman saw the tan-and-white pit bull running unsupervised in the 100 block of Matthes Avenue nearly two hours before the attack. She told her daughter and her friend to play inside the fenced yard. About 1:45 p.m., she heard the children screaming in the yard. When she looked out the kitchen window, she saw the kids scattering and ran outside to find the dog grasping the 7-year-old's upper inner thigh and flailing her around "like a rag doll."

full story:

<http://www.delawareonline.com/newsjournal/local/2004/04/22dogownercharged.html>

for the news items that Animalconcerns volunteers have entered on the site go to the Animalconcerns.org main page and click on "More News Headlines."

.....  
 "The day may come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The question is not can they REASON, nor can they TALK, but can they SUFFER?"

Jeremy Bentham 1748 - 1832

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Welcome to Pit Bull Community!

We are dedicated to the preservation of the pit bull in its original form as a game-bred dog and in its modern incarnations as a loving companion pet and top competitor in weight pull competitions and conformation shows.

We are opposed to all forms of animal cruelty, and do not promote any illegal activities, but we celebrate the history of the pit bull and value its qualities of courage, strength and tenacity as the essence of the breed.

We are therefore against all forms of breed-specific legislation, and work to protect the constitutional rights of pit bull owners.

If this is your first visit with us, or even if you have been browsing around, we urge you to **register and join our community!**

Registration is completely free and allows you more access to the site. Once you are a member, you can interact with others and share your experience, knowledge and pictures of your dog!

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03-15-2006, 08:21 PM

#1

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Banned

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Posts: 8  
Images: [1514](#)

[NCCo rejects pit bull restrictions](#)

Wilmington, DE --

New Castle County Council on Tuesday voted down a controversial proposal that would have restricted pit bulls and put the dogs in the same classification as a vicious animal.

The 11-2 vote came after nearly two hours of testimony from more than two dozen residents who gave impassioned speeches for or against changes to the animal control ordinance.

The proposal, from Councilman Jea P. Street, would have required owners of specific breeds of pit bulls or pit bull mixes to muzzle their dogs while outside, post warning signs on their property and secure \$100,000 in liability insurance.

Street, whose only support came from Councilman Penrose Hollins, vowed to keep working on the issue.

"It's certainly been a learning process for me," said Street, a Democrat. "When all is said and done, we're going to have to continue to agree to disagree."

Street said he will work with other council members to explore ways to deal with problems caused by aggressive dogs. He said he won't be cowed by some dog owners who have threatened to "muzzle him" if he continues to press for legislation, which he considers an urgent public safety issue.

"We're going to go on and on with this discussion tonight, but the bottom line is no one is going to threaten, humiliate, curse or think they can make me abandon my principles," Street said.

The debate drew an unusually high number of residents to speak to council on a single issue, and they came armed with pictures of their pets, copies of their speeches and news clippings about legislation efforts in other places.

### **'An emotional issue'**

Council members said they have been flooded with phone calls, letters and e-mails from constituents since the ordinance was introduced two weeks ago.

"It's an emotional issue," said Council President Paul Clark, who limited speakers to three minutes each. "I've read everything everyone has sent me. I know more about dogs than I ever did."

Council first listened to residents who supported Street's legislation, several of whom were mothers of children attacked by pit bulls.

The mothers of Zachary Grant, a 2-year-old boy killed by a pit bull in Edgemoor Gardens in 2002; Destiny Campbell, a 3-year-old girl seriously injured by a pit bull in January; and Dylan Reichard, who was attacked in 2001 while riding his bike; urged council members to do something. "If your children or grandchildren lived through this, you would support it," said Denise Reichard, who brought snapshots documenting her son's injuries. He was 8 when the attack happened and remains afraid to go outside, she said.

"When the cops found the dog," Denise Reichard said, "he still had bits of my son in his mouth."

Residents who supported Street's legislation were outnumbered, however. The majority opposed breed-specific legislation, saying, "Punish the deed and not the breed."

Agriculture and which species is not recognized as an endangered or threatened species by the United States Fish and Wild Life Service or the Delaware Department of Natural Resources and Environmental Control.

[72 Del. Laws, c. 391, § 1.](#);

**§ 1326. Animals; fighting and baiting prohibited; class E felony.**

(a) A person who owns, possesses, keeps, trains, or uses a bull, bear, dog, cock, or other animal or fowl for the purpose of fighting or baiting; or a person who is a party to or who causes the fighting or baiting of a bull, bear, dog, cock, or other animal or fowl; or a person who rents or otherwise obtains the use of a building, shed, room, yard, ground, or premises for the purpose of fighting or baiting an animal or fowl; or a person who knowingly suffers or permits the use of a building, shed, room, yard, ground, or premises belonging to the person, or that is under the person's control, for any of the purposes described in this section, is guilty of a class E felony.

(b) A person who is present at a building, shed, room, yard, ground, or premises where preparations are being made for an exhibition prohibited by subsection (a) of this section, and who knows that the exhibition is taking place or is about to take place, is guilty of a class F felony.

(c) A person who gambles on the outcome of an exhibition prohibited by subsection (a) of this section is guilty of a class F felony.

(d) All animals, equipment, devices, and money involved in a violation of this section must be forfeited to the State. Animals so forfeited must be disposed of in a humane manner.

(e) Prosecution for any offense under this section may not be commenced after 5 years from the commission of the offense.

(f) A person convicted of a violation of this section is prohibited from owning or possessing any animal or fowl for 15 years after conviction.

(g) A fine issued as a result of a violation of this section may not be suspended.

(h) In addition to the penalties provided under this section, the court may require a person convicted of violating this section to attend and participate in an appropriate treatment program or to obtain appropriate psychiatric or psychological counseling, or both. The court may impose the costs of any treatment program or counseling upon the person convicted.

[66 Del. Laws, c. 369, § 2](#); [67 Del. Laws, c. 130, § 8](#); [67 Del. Laws, c. 350, §§ 34, 35](#); [70 Del. Laws, c. 186, § 1](#); [72 Del. Laws, c. 417, § 1](#); [73 Del. Laws, c. 238, §§ 3-5](#); [73 Del. Laws, c. 411, § 1](#); [76 Del. Laws, c. 259, §§ 1-3](#); [77 Del. Laws, c. 264, § 1](#);

**§ 1327. Maintaining a dangerous animal; class E felony; class F felony; class A misdemeanor.**

(a) A person is guilty of maintaining a dangerous animal when such person knowingly or recklessly owns, controls or has custody over any dangerous animal which causes death, serious physical injury or physical injury to another person or which causes death or serious injury to another animal.

(b) For the purposes of this section, "dangerous animal" means any dog or other animal which:

(1) Had been declared dangerous or potentially dangerous by the Dog Control Panel pursuant to subchapter III of Chapter 17 of Title 7;

(2) Had been trained for animal fighting, or that has been used primarily or occasionally for animal fighting;

(3) Had been intentionally trained so as to increase its viciousness, dangerousness or potential for unprovoked attacks upon human beings or other animals; or

(4) Has an individualized and known propensity, tendency or disposition, specific to the individual dog, for viciousness, dangerousness or unprovoked attacks upon human beings or other animals.

(c) Maintaining a dangerous animal shall be punished as follows:

(1) When a dangerous animal causes the death of a person, maintaining a dangerous animal is a class E felony;

(2) When a dangerous animal causes serious physical injury to a person, maintaining a dangerous

animal is a class F felony;

(3) When a dangerous animal causes physical injury to a person or when a dangerous animal causes death or physical injury to another animal, maintaining a dangerous animal is a class A misdemeanor.

(d) This section shall not apply to any dog or other animal trained or owned or used by any law enforcement agency or any person, company, agency or entity licensed pursuant to Chapter 13 of Title 24.

(e) In any prosecution under this section it shall be an affirmative defense that at the time of the attack during which physical injury, serious physical injury or death was inflicted upon a person:

(1) The victim of the attack was in the course of committing criminal trespass or any violent felony as set forth in this title or was attempting to commit criminal trespass or said violent felony;

(2) The victim had provoked the attack by committing cruelty to animals as defined in § 1325 of this title upon said dangerous animal or by inflicting physical injury upon said dangerous animal; or

(3) The owner or custodian of the dangerous animal was in full compliance with the applicable provisions of subchapter III of Chapter 17 of Title 7, including the requirements pertaining to confinement, restraint and muzzling.

(f) In any prosecution under this section it shall be an affirmative defense that at the time of the attack during which physical injury or death was inflicted upon an animal:

(1) The animal which was injured or killed had entered onto the real property of the owner or custodian of the dangerous animal without permission;

(2) The animal which was injured or killed had provoked the attack by menacing, biting or attacking the dangerous animal or its owner or custodian; or

(3) The owner or custodian of the dangerous animal was in full compliance with the applicable provisions of subchapter III of Chapter 17 of Title 7, including the requirements pertaining to confinement, restraint and muzzling.

[73 Del. Laws, c. 411, § 2.](#);

### **§§ 1328, 1329. [Reserved.]**

### **§ 1330. Smoking on trolleys and buses.**

(a) Whoever in any trackless trolley coach, or gasoline or diesel-engine-propelled bus being used as a public conveyance for carrying passengers within this State, smokes or carries a lighted cigarette, cigar or pipe shall be fined not less than \$5 nor more than \$25.

(b) Justices of the peace shall have jurisdiction of offenses under this section.

*60 Del. Laws, c. 66, § 1; 66 Del. Laws, c. 369, § 2; [73 Del. Laws, c. 411, § 2.](#);*

### **§ 1331. Desecration; class A misdemeanor.**

A person is guilty of desecration if the person intentionally defaces, damages, pollutes or otherwise physically mistreats any public monument or structure, any place of worship, the national flag or any other object of veneration by the public or a substantial segment thereof, in a public place and in a way in which the actor knows will outrage the sensibilities of persons likely to observe or discover the actions.

Desecration is a class A misdemeanor.

*11 Del. C. 1953, § 1331; 58 Del. Laws, c. 497, § 1; 65 Del. Laws, c. 463, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1.*;

### **§ 1332. Abusing a corpse; class A misdemeanor.**

A person is guilty of abusing a corpse when, except as authorized by law, the person treats a corpse in a way that a reasonable person knows would outrage ordinary family sensibilities.

Abusing a corpse is a class A misdemeanor.

*11 Del. C. 1953, § 1332; 58 Del. Laws, c. 497, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1.*;



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## CHAPTER 411

## FORMERLY

## HOUSE BILL NO. 614

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 1326(a) of Title 11 of the Delaware Code by inserting between the phrases "possesses, keeps" and "or uses any bull, bear, dog" as they appear in said subsection the following:

", trains".

Section 2. Amend § 1327 of the Title 11 of the Delaware Code by redesignating said Section as "§ 1330", and by adding a new "§ 1327" to said Title, to read as follows:

"§ 1327. Maintaining a dangerous animal, class E felony, class F felony, class A misdemeanor.

(a) A person is guilty of maintaining a dangerous animal when such person knowingly or recklessly owns, controls or has custody over any dangerous animal which causes death, serious physical injury or physical injury to another person, or which causes death or serious injury to another animal.

(b) For the purposes of this Section, 'dangerous animal' means any dog or other animal which:

- (1) had been declared dangerous or potentially dangerous by the Dog Control Panel pursuant to Subchapter III of Chapter 17 of Title 7 of the Delaware Code;
- (2) had been trained for animal fighting, or that has been used primarily or occasionally for animal fighting; or
- (3) had been intentionally trained so as to increase its viciousness, dangerousness or potential for unprovoked attacks upon human beings or other animals.
- (4) has an individualized and known propensity, tendency or disposition, specific to the individual dog, for viciousness, dangerousness or unprovoked attacks upon human beings or other animals.

(c) Maintaining a dangerous animal shall be punished as follows:

- (1) When a dangerous animal causes the death of a person, maintaining a dangerous animal is a class E felony;
- (2) When a dangerous animal causes serious physical injury to a person, maintaining a dangerous animal is a class F felony;
- (3) When a dangerous animal causes physical injury to a person, or when a dangerous animal causes death or physical injury to another animal, maintaining a dangerous animal is a class A misdemeanor.

(d) This Section shall not apply to any dog or other animal trained or owned or used by any law enforcement agency or any person, company, agency entity licensed pursuant to Chapter 13 of Title 24 of the Delaware Code.

(e) In any prosecution under this Section it shall be an affirmative defense that, at the time of the attack during which physical injury, serious physical injury or death was inflicted upon a person:

- (1) the victim of the attack was in the course of the committing criminal trespass or any violent felony as set forth in this Title, or was attempting to commit criminal trespass or said violent felony;
- (2) the victim had provoked the attack by committing Cruelty to Animals as defined in §

1325 of this Title upon said dangerous animal, or by inflicting physical injury upon said dangerous animal; or

- (3) the owner or custodian of the dangerous animal was in full compliance with the applicable provisions of Subchapter III of Chapter 17 of Title 7 of the Delaware Code, including the requirements pertaining to confinement, restraint and muzzling.
- (f) In any prosecution under this Section it shall be an affirmative defense that, at the time of the attack during which physical injury or death was inflicted upon an animal:
- (1) the animal which was injured or killed had entered onto the real property of the owner or custodian of the dangerous animal without permission;
  - (2) the animal which was injured or killed had provoked the attack by menacing, biting or attacking the dangerous animal or its owner or custodian; or
  - (3) the owner or custodian of the dangerous animal was in full compliance with the applicable provisions of Subchapter III of Chapter 17 of Title 7 of the Delaware Code, including the requirements pertaining to confinement, restraint and muzzling.”.

Approved July 10, 2002

Last Updated: January 27 2009 09:31:28.

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