

OWNERSHIP

Q: What does ownership mean?

A: If you are feeding or caring for a dog, or a dog is living on or around your house or property, you may “possess” (own) that dog under the law. Population studies have revealed that most dogs are “owned.” American Samoa Code Annotated § 26.1601 requires that all dogs roaming free are licensed. The Department of Agriculture can supply a license for your pet.

Q: How can I license my dog?

A: The Department of Agriculture can officially license your dog on the island. The fee is currently \$5.00. You will be given a tag which attaches to your dog's collar. This indicates that your dog is properly licensed and, under the law, may roam. Additionally, this tag contains information such as your phone number in case your dog is lost. Remember - dogs roaming free without a license may be destroyed under the law. Contact the Department of Agriculture at 699-9445 for more information.

Q: If I have been feeding a stray dog that has been living outside of my house and he bites someone, will I be responsible under the law?

A: Yes, you can be responsible for this dog's actions under the law, even if you don't consider him to be your dog. The law only requires that the dog be possessed by the responsible person. If you are feeding the dog, caring for him and allowing him to live on your property, then he is technically your dog.

SPAYING & NEUTERING:

Good for you, your community and your dog.

- Unsterilized animals often exhibit more aggressive behavior and temperament problems.
- Spaying and Neutering makes pets less likely to roam the neighborhood, run away, or fight.
- Irresponsible breeding contributes greatly to the problem of dog bites and attacks.

Myth: I want my dog to be protective.

Fact: Spaying or neutering your pets does not affect a dog's natural instinct to protect home and family. A dog's personality is formed more by genetics and environment than sex hormones.

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DOG LAW: INFORMATION ON VICIOUS DOGS YOUR RIGHTS AND RESPONSIBILITIES



AMERICAN SAMOA
BAR ASSOCIATION

PUNISHMENT AND PREVENTION

Q: What does the law say about vicious animals?

A: American Samoa Code Annotated § 25.1610 protects against vicious animals. It prohibits anyone from possessing or importing a vicious animal. An animal is considered vicious if it has

- (1) attacked or tried to attack somebody;
- (2) bitten somebody; or
- (3) displayed intimidating behavior (like growling or snarling).

If you know of an animal that has done one of these things, then that is a vicious animal.

The Department of Public Safety is charged with protecting the public against vicious animals. They can seize a vicious animal, and if it is a threat, then the Department of Agriculture may destroy it within 48 hours.

Q: Does this mean if my dog attacks someone I could go to jail?

A: Yes. If your dog is determined to be vicious under the law, you could be guilty of a class A misdemeanor, which is punishable by up to one year imprisonment and up to \$1,000.00 fine. If your animal causes injury to someone in an unprovoked attack, you could be guilty of a class D felony, which is punishable by up to five years imprisonment and up to a \$5,000.00 fine.

Q: What can I do to help make sure my dog isn't vicious?

A: Dogs can get very territorial, especially if they must find their own food. Make sure to give your dog food and fresh water every day. You can also train your dog how to respond to commands like "sit," "come," and "stay." You can find books and videos on how to train your dog at the public library or online or you can contact the Humane Society for help on what to do. But the best thing you can do is make sure to have your pet spayed or neutered. This will help make your dog healthier and happier and will reduce the number of fights he or she gets into.

Q: What if I've tried all of that and it doesn't work?

A: If your dog has attacked or bitten someone or displays any snarling, snapping, growling, clawing or other behavior which tends to intimidate, frighten or subdue a person, then you need to make sure that it is not allowed to run free where it could continue these sorts of behaviors. You need to make sure your dog is kept behind a fence, on a tether or on a leash at all times and is not allowed to run free where it could hurt someone, while still allowing them to access food, water and shelter.

RESPONSIBILITIES

Q: Are there any exceptions to being liable for my dog biting someone?

A: Yes. The High Court has held that where a dog bites a person, the owner is presumed to be at fault. However, the owner can avoid liability by showing that the harm was the victim's fault, a third person's fault, or by an independent cause.

Q: If I do not register a dog can I still be the owner of the dog?

A: Yes. The High Court has held that you do not have to register a dog in order to be the owner of the dog. Simply "harboring" a dog or exercising "apparent ownership" is enough to create liability for a dog's actions. The Court has held that allowing a dog to live on your property and feeding the dog demonstrate ownership of the animal.

Q: Can the Court order me to keep my dogs fenced or chained?

A: Yes. The High Court of American Samoa has ordered people to keep their dogs fenced or chained at all times. This generally happens when a person's dog(s) create a hazard for people using public road ways. Food, water and shelter should always be provided in these situations.

Q: What do I do if I am bit by someone else's dog?

A: You should seek medical treatment as soon as possible. It is then your responsibility to report the attack to the dog's owner and/or DPS, and follow up on corrective action. If there are dogs in your area attacking people they need to be reported and dealt with, or they may continue to attack.

**PLEASE SPAY OR NEUTER YOUR PETS
TO HELP REDUCE THE UNWANTED
PET POPULATION AND THE NUMBER
OF DOG BITES.**

