

# Dog Bites, Criminal gets Paid!

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South Carolina, like many states has an absolute liability law regarding dog bites. 47-3-110 of the South Carolina Code of Laws states in part, 'whenever any person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a private place, including the property of the owner of the dog or other person having the dog in his care or keeping, the owner of the dog or other person having the dog in his care or keeping is liable for damages suffered by the person-bitten or otherwise attacked... unless the person provokes a dog into biting him.

Unfortunately, this absolute liability applies to trained police dogs when acting in the line of duty at the command of their law enforcement handler. As a result, this past year saw a lawsuit brought by an individual now serving time in the Department of Corrections on drug charges against the law enforcement agency employing the dog. This individual claimed that the law as currently written holds the agency liable for the dog bite he suffered when he refused to submit to a lawful order by the deputy sheriff. The result was a \$150,000 settlement awarded to the criminal!

SCSA will be working to amend the current law regarding this issue. If not amended, the current law will likely bring an end of the use of police canine units in South Carolina because of the risk of law suits and similar cash settlements against law enforcement agencies.