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## GEORGIA MANDATED ANIMAL RELATED POSITIONS & WHO HAS THE AUTHORITY TO RESPOND TO ANIMAL CASES

By Claudine Wilkins, Founder of Animal Law Source™ and The Animal Protection Society

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Supplementary powers in the Georgia Constitution allow any county, municipality, or combination thereof to provide public health facilities and services including animal control, but does not mandate it. However, there are two statutes that mandate a county to have a designated “dog control officer” under the Responsible Dog Owner Act (2012) and a “rabies control officer” under the Rabies Control Act. However, a designated officer can have both jobs and/or work for multiple counties. It is recommended that each county have their own for each position and those officers are trained in the laws and rules pertaining to this position.

### **Responsible Dog Owner Act – Dealing with Dangerous or Vicious Dogs** - Legal Authority

The Official Code of Georgia Annotated (O.C.G.A.) § 4-8-22.

- (a) A county's jurisdiction for the enforcement of this article shall be the unincorporated area of the county and a municipality's jurisdiction for such enforcement shall be the territory within the corporate limits of the municipality.
- (b) The governing authority of each local government **shall designate** an individual as dog control officer to aid in the administration and enforcement of the provisions of this article (that being the 'Responsible Dog Ownership Law.'). A person carrying out the duties of dog control officer shall not be authorized to make arrests unless the person is a law enforcement officer having the powers of arrest.
- (c) Any county or municipality or any combination of such local governments may enter into agreements with each other for the consolidation of dog control services under this Code section.

### **Rabies Control Law** - Legal Authority

The primary responsibility for the control of rabies in Georgia rests with county boards of health. O.C.G.A. § 31-19-1 empowers and requires each county board of health to adopt and promulgate rules and regulations for the prevention and control of rabies (see pages 43-45).

**O.C.G.A. §31-19-7(a)** requires that the County Board of Health shall appoint a person who is knowledgeable of animals to be the **County Rabies Control Officer**, whose duty is to enforce this chapter and other laws which regulate the activities of **dogs**. Therefore, in Georgia, the primary responsibility for the control of rabies rests with the county Boards of Health, and each county must have a **mandatory Rabies Control Officer**. It shall be the duty of the county rabies control officer to enforce this chapter and other laws which regulate the activities of dogs.

Also, a 1965 Georgia Attorney General Opinion suggested, but did not mandate, that local county Boards of Health “should adopt rules and regulations relative to catching and impounding of strays and unwanted dogs” (19-65-66 Op. Atty. Gen. No. 65-21).



### **Who has the authority to respond to animal case?**

In Georgia, the responsibility governing a wide range of animal protection or animal control matters falls first to the local jurisdictions to enforce state and local laws pertaining to animals and, if an animal is subject to a license facility, breeder or pet dealer, then the Georgia State Department of Agriculture (GDOA) who may enforce the state regulations.

Either way, both are established to ensure public safety, but also to help protect animals. Laws and regulations are separate and distinct from one another. They are also under different branches of the government. The Judicial branch governs the criminal courts and criminal law violations and the Executive branch governs administrative agency (GDOA) and regulatory violations.

Each are treated differently in the courts systems (criminal courts vs. administrative law judge). Furthermore, they have different authoritative penalty systems.

For example, a regulatory agency like the GDOA can only penalize someone who should be licensed and is not and they may revoke or suspend a license or issue a stop order. The GDOA can be penalized by monetary fines and the issuance of the aforementioned items. However, local jurisdiction enforcing the law can sentence a defendant just like any other crimes which may include jail time, fines, restitution, probation and the like.

If a case involves both the local jurisdiction and the GDOA, each case can survive on its own regardless if the other case is dismissed. Often, evidence is shared by local/state law enforcement and agencies. If probable cause exist that a crime has been committed, law enforcement police and/or animal control officers\*) in the local jurisdiction remain the primary responding party to ensure proper collection of evidence and the proper impoundment of animals have been executed.

Animals are considered evidence in a criminal case if a crime has been committed. See our Toolkits on [Animals as Evidence Part 1](#) and [Animals as Evidence Part 2](#). If the animal(s) subject to the criminal case is/are in the custody of someone who is subject to be licensed under the GDOA, then the GDOA should be involved. To see who needs to be licensed by check out our "[Licensing Requirements under the Georgia Department of Agriculture](#)".

On this page you will find the following

[Who is required to have a license?](#)

[What Steps are Necessary to Become Licensed?](#)

[Animal Protection Rules and Regulations](#)

[Humane Care for Equines Act 4-13-1](#)

[FAQ's Concerning Animal Cruelty](#)

[Interstate Shipment](#)

[Regulation and Enforcement](#)

[Shelter Data Reporting](#)



Local police or animal control (hereinafter “law enforcement”) should ensure the GADOA knows about the criminal case and the GADOA can/will investigate any regulatory violations.

Local law enforcement must contact the GDOA’s animal protection division to alert them to the case. They can be reached at (404) 656-4914. Most importantly, the local jurisdiction continues with their case regardless of whether GDOA does not, and vice versa.

Both agencies (local law enforcement and the GADOA) can share evidence and both agencies can investigate the case on their timeline. If one agency drops their case, the other agency should not be affected. It is highly recommended to have open communication and collaboration (if needed) by both agencies. Sometime, the GADOA will be the initial investigating agency and therefore , they should contact local law enforcement alert them of suspected criminal activity.