

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Opinion No. 64-10-L
R-53
February 5, 1964

REQUESTED BY: DOCTOR WILLIAM M. THOMPSON
State Veterinarian

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTION: Does the Sheriff's Department of Pima County have authority to hold dogs, who have bitten humans, either in the county pound or in private veterinary hospitals for a period of time greater than 7 days ?

ANSWER: Yes.

The County Sheriff's authority to act as the "County Enforcement Agent" is governed by A.R.S. §24-365, and occurs only when the County Board of Supervisors fail to appoint and employ a County Enforcement Agent of their own choice.

The Sheriff, when acting as such agent, is governed in his management and control of county pounds by the provisions of A.R.S. §24-361 et seq., and in particular, by A.R.S. §24-366. This section provides that the County Enforcement Agent shall :

- "1. Enforce the provisions of this article and the regulations promulgated thereunder.
- "2. Issue citations for the violation of the provision of this article and the regulations promulgated thereunder."

The specific section involved in this question is A.R.S. §24-372(A), which reads:

"A dog that bites any person shall be confined and quarantined in a county pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days." (Emphasis supplied).

Opinion No. 64-10-L
R-53
February 5, 1964
Page 2

To find the intention of the Legislature, when they passed Chapter 86, Section 2, Laws of 1962, (A.R.S. 361 through 377), it is necessary to examine the whole of the statute and the guides therein to interpret its meaning fairly and sensibly.

City of Mesa v. Salt River Project,
(1962), 92 Ariz. 91, 373 P.2d 722.

State ex rel. Morrison v. Jay Six Cattle'
Co., (1959), 85 Ariz. 220, 335 P.2d 799.

The statute as passed by the Legislature is a clear attempt on their part to strengthen the law relating to the custody and control of dogs and to pass a comprehensive act for this purpose. See: Session Laws, 1962, Chapter 86, page 139.

Provision 24-372(A) is in our opinion clear and decisive. There is no ambiguity. When the act vests authority to hold a dog "for a period not less than seven days," it means that they must hold the dog under confinement for at least seven full days. They may also hold the dog for a reasonable time thereafter for the words "at least" designate a minimum time. The maximum period of confinement would depend upon the circumstances of each case, administrative convenience and the dictates of veterinary medicine. The maximum period of confinement is then a quasi-judicial determination depending on the facts and circumstances of each case. It is clear, however, a dog who has bitten a person cannot be released before the eighth day.


ROBERT W. PICKRELL
The Attorney General

RWP:WEE:db