

Dog Bite Liability and Quarantine Process

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Issue

Provide a brief overview of Connecticut law on liability for dog bites, including what happens after a dog bites someone. This report updates OLR report [2018-R-0023](#).

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Summary

Subject to certain exceptions, Connecticut's dog bite statute ([CGS § 22-357](#)) makes a dog's owner or keeper, or both, liable for damage the dog causes to someone else's person or property. This is a strict liability statute. In other words, it does not require the victim to prove that the owner or keeper (1) knew that the dog was vicious or (2) was otherwise negligent.

A person injured by a dog bite could also bring a legal action under a common law negligence theory. To succeed in such a case, the injured person must prove that the defendant knew or should have known that the dog was vicious. And under the common law, unlike cases brought under the statute, someone other than a dog's owner or keeper could be liable in certain circumstances. For example, the Connecticut Supreme Court has held that a landlord could be liable for a bite by a tenant's dog if the landlord was aware of the dog's vicious tendencies and did not adequately act to alleviate the danger.

After a dog bites a person, the law generally requires a 10-day quarantine of the dog and an examination at the end of this period. It allows for a dog that is biting or attacking a person off the premises of the dog's owner or keeper to be killed. The law also establishes processes for (1) an animal control officer (ACO) to investigate a dog bite or attack and, if needed for public health or safety, to order restraints on or disposal of the dog and (2) appealing orders issued in response to a dog bite or attack.

Dog Bite Statutes

By law, a dog's owner or keeper, or both, is liable for any damage his or her dog causes to a person's body or property, unless the damage occurred while the person was committing a trespass or other tort or was teasing, abusing, or tormenting the dog. The law presumes, unless proven otherwise, that (1) anyone under the age of seven was not committing a trespass or teasing the dog and (2) a member of a law enforcement officer's household where the officer keeps a dog assigned to him or her by the town, state, or federal government is not the dog's keeper. For an owner or keeper who is a minor, the minor's parent or guardian is liable for the damage ([CGS § 22-357](#)).

If damage is caused by two or more dogs at the same time and the dogs are kept by more than one person, the dogs' owners or keepers are jointly and severally liable for the damage ([CGS § 22-356](#)). This means that each owner is responsible for the entire amount of the damages, although he or she may be able to sue the other owner to recover a portion of the damages he or she had to pay.

Several court cases have construed various elements of the statutes. For example, courts have interpreted the "trespass" exception as requiring something more than uninvited entry onto the land. Discussing earlier cases, the Connecticut Supreme Court noted in 1953 that:

the word 'trespass' as employed in the exception refers to something more serious than the mere technical trespass of entering upon the land of another where neither intent to damage nor damage in fact is involved, and where no acts are committed which would naturally arouse an ordinary dog to action to protect its owner's property or family (*Verrilli v. Damilowski*, 140 Conn. 358, 363 (1953) (citations and internal quotations omitted)).

More recent cases cite back to this language in *Verrilli* to require more than mere technical trespass for this exception.

Courts have also interpreted what it means to tease, abuse, or torment a dog for purposes of the statute. For example, the Connecticut Supreme Court has held that a two-and-a-half year-old girl who threw a rubber bone for a dog to retrieve was not teasing the dog within the meaning of the

statute, and thus the dog's owner was liable when the dog injured the girl (*Weingartner v. Bielak*, 142 Conn. 516 (1955)).

Common Law

To succeed in a common law negligence action for injuries from a dog bite, the injured person must prove that the defendant knew or should have known that the dog was vicious. This requirement does not apply to cases brought under the statute.

In certain circumstances, someone other than a dog's owner or keeper could be liable under the common law for injuries from a dog bite. The state Supreme Court addressed the issue of a landlord's liability, under a theory of common law premises liability, when one tenant's dog bites and injures another tenant and the landlord knew of the dog's dangerous tendencies (*Giacalone v. Housing Authority of Town of Wallingford*, 306 Conn. 399 (2012)).

In *Giacalone*, the plaintiff alleged that the landlord negligently failed to take various actions in response to dangers the dog posed, such as warning the plaintiff that a dangerous animal was present and ensuring that the dog was removed after the landlord, two years prior, ordered it removed. The court agreed that a landlord can be held liable for failing to take reasonable steps to alleviate a known danger caused by a vicious dog on the common part of the property over which the landlord retains control.

Treatment of Biting Dogs

Quarantine

The law has provisions for quarantining a dog to prevent rabies spread and protect the public ([CGS § 22-359](#)).

It authorizes (1) the Department of Agriculture commissioner, or his designee, to issue orders as needed for these purposes, including for testing, confinement, control, or humane euthanasia and (2) local health directors to order an unowned animal, including a dog, euthanized for rabies testing if it is not currently vaccinated, has bitten someone, and the person's health or life may be threatened.

In cases where a dog bites or attacks a person, it must be quarantined for 10 days during which it is observed for rabies. The dog must be examined on the tenth day by either the state veterinarian, or another designated person, to determine if the quarantine should continue. The quarantine generally must occur in a public pound, veterinary hospital, or approved commercial kennel. It may

also occur on the owner's or keeper's premises if (1) the dog is vaccinated for rabies and the premises is adequate for confinement or (2) for an unvaccinated dog, the premises is adequate for confinement, a licensed veterinarian finds that it is medically necessary, the entity that issued the quarantine order finds the premises acceptable, and the dog is vaccinated on the quarantine's tenth day.

Under the law, a quarantined dog that is clinically diagnosed as rabid must be immediately humanely euthanized without prior notice to its owner or keeper. An owner or keeper may also allow for the euthanasia of a quarantined dog to test it for rabies. The law makes the owner or keeper responsible for the costs associated with a quarantine, including such things as testing, vaccinations, and euthanasia.

Failing to comply with a quarantine or confinement order is punishable by a \$250 fine. The law also allows for the seizure of a dog that is subject to the order but whose owner or keeper fails to comply with it. The seized dog must then be quarantined until the required timeframe passes and it is examined by a licensed veterinarian. The owner or keeper must pay the costs associated with this seizure and quarantine care before having the dog returned.

Killing and Disposition

During an Attack. The law allows someone to kill a dog that is biting or attacking himself or herself or another person off the premises of the dog's owner or keeper. But the person who kills the dog must report the attack's circumstances to the ACO of the town where it occurred, who must then investigate and report on it to the state's chief ACO ([CGS § 22-358\(b\)](#)).

After an Attack. The law allows an ACO from the town or region where an attack occurred to issue an order to restrain or dispose of the biting or attacking dog if, after an investigation, he or she confirms the bite or attack and determines that restraint or disposal is needed to protect public health or safety. The ACO must consider the following when determining the type of order involved or the restraint conditions:

1. owner's or keeper's ability to control the dog,
2. viciousness of the bite or attack and severity of the injury,
3. history of the dog's prior bites or attacks,
4. location of the bite or attack (i.e. whether on the owner's or keeper's property), and
5. whether the dog was provoked or protecting its owner or keeper.

Within 24 hours after the order is issued, a copy of it must be delivered to the dog's owner or keeper and the victim. The order must inform the owner or keeper of the right to appeal to Superior Court. If the order requires the dog's disposal, the issuing ACO must take physical custody of the dog and keep it during any appeal.

Within 15 days after the order is issued, the municipality in which the attack occurred must offer the dog's owner a pre-appeal meeting, which may include the dog's owner or keeper (and legal counsel, if any) and the victim, to be held within 30 days after the order. The purpose of this meeting is to determine if the order is disputed. Other attendees include the issuing ACO and the ACO's appointing authority. An alternative order may be stipulated during this meeting, with the settlement discussions confidential. The municipality must issue a statement within 24 hours after the meeting that gives the meeting's date, its participants, and whether the order was modified. This statement goes only to the dog's owner or keeper and the victim.

The deadline to appeal the order is 45 days after the order's issuance if there is no pre-appeal meeting and 45 days after the statement is issued if there is one. Once an order becomes a final order or judgement, it is enforceable on a statewide basis by any ACO.

Under the law, an ACO may seize a dog that is the subject of a restraint order if its owner or keeper does not comply with the order and keep the dog until the end of any appeal. The owner or keeper is responsible for the costs associated with keeping the dog. Owners who fail to comply with an order may also be guilty of a class D misdemeanor, which is punishable by up to 30 days imprisonment, up to a \$250 fine, or both ([CGS § 22-358\(c\) & \(h\)](#)).

Exceptions. Military and law enforcement dogs are exempt from the above processes when they are owned by or in the custody and control of the agency; under an assigned handler's direct supervision, care, and control; are vaccinated; and receive routine veterinary care. Service dogs owned by or in the custody and control of someone with a disability are similarly exempt ([CGS § 22-358\(j\)](#)).

Liability. The law exempts anyone killing a biting or attacking dog in accordance with this law from criminal or civil liability ([CGS § 22-358\(e\)](#)).

Related Criminal Liability for Dog Owners or Keepers

Connecticut law prohibits owning or harboring a dog that is a nuisance due to a vicious disposition or a disturbance, including excessive barking. A first-time violation is an infraction, and each subsequent offense is a class D misdemeanor. The court may also make any order necessary to

restrain or dispose of the dog ([CGS § 22-363](#)). (A class D misdemeanor is punishable by a fine of up to \$250, up to 30 days in prison, or both.)

The law also makes it a crime to own or keep a dog that habitually goes out on a highway and growls, bites, snaps at, or otherwise annoys people or domestic animals using the highway or chases or interferes with any motor vehicles on the highway. Violators are guilty of a class D misdemeanor ([CGS § 22-362](#)).

The law prohibits a dog's owner or keeper from allowing the dog to roam at large (1) on another person's land or on a public highway and (2) not under the owner's or keeper's (or an agent's) control. A violation is an infraction, but if the owner or keeper intentionally or recklessly violates the law (i.e. knows of the dog's viscous propensities and violated this law within the prior year) and the dog physically hurts another person who was not teasing or abusing it, then a fine of up to \$1,000, up to six months in prison, or both, applies ([CGS § 22-364](#)).

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