



## **Title 7**

### **Conservation**

#### **Part I – Game, Wildlife and Dogs**

#### **Chapter 17 Dogs / Subchapter I General Provisions**

##### **§ 1706. Destruction of muskrat dens, poultry or livestock.**

No owner or custodian of any dog shall permit such dog to injure, destroy or disturb any muskrat den, trap, lead or house or any poultry or livestock. (Code 1915, § 2406D; 30 Del. Laws, c. 176, § 4; 34 Del. Laws, c. 185, § 1; Code 1935, § 2868; 7 Del. C. 1953, § 1703; 71 Del. Laws, c. 431, § 1.)

##### **§ 1707. Training of dogs; unlawful to carry gun; penalty.**

(a) The owner or custodian of any bird, rabbit, raccoon or fox dog, may train and break the same, at any time of the year, daylight or night, except during the months of March, April, May, June, July and August. If while training or breaking dogs, the owner or custodian thereof exercises reasonable precaution to keep such dogs in control, and if any such dog, during such training, wanders off and out of control of the owner or custodian without the owner's or custodian's fault, such dog shall not be deemed to be running at large within the meaning of this section. If any dog kills any game protected by the laws of this State, during the closed season while so training, the owner or custodian shall be fined not less than \$2 nor more than \$5 for each offense.

(b) No person shall carry a gun while training a dog in closed game season.

(c) The Department may issue an annual permit to the owner or custodian of any retriever dog authorizing the training of such dog or dogs at any time of the year provided such owner or custodian is a trainer of retriever dogs, and provided no game is to be used in the training. Any person to whom such a permit shall issue may possess artificially reared game and may hunt such game with a shotgun; but such game must be hand-liberated during dog training. (Code 1915, § 2406E; 34 Del. Laws, c. 185, § 1; 35 Del. Laws, c. 166, § 1; 37 Del. Laws, c. 225, § 1; Code 1935, § 2869; 45 Del. Laws, c. 208, § 1; 7 Del. C. 1953, § 1704; 56 Del. Laws, c. 257; 57 Del. Laws, c. 739, § 77; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 431, § 1.)

##### **§ 1708. Dogs deemed personal property; theft; penalty.**

(a) All dogs shall be deemed personal property and may be the subject of theft pursuant to Chapter 5 of Title 11. Any warrant of arrest or other process issued under or by virtue of the several laws in relation to the theft of such property may be directed to and executed by any sheriff, police officer, constable or dog warden.

(b) The presence of any dog, regardless of age, not confined on the premises of a person other than the lawful owner of such dog shall raise no presumption of theft against the owner or tenant of such premises.

(c) No person shall confine any dog not his or her lawful property without contacting the Department, a dog warden or other officer within 48 hours of confining such dog and providing the Department, dog warden or other officer with a complete description of the dog, the exact location of the premises on which such dog is to be detained and the name of the owner or tenant of such property. (Code 1915, § 2406F; 34 Del. Laws, c. 185, § 1; Code 1935, § 2870; 41 Del. Laws, c. 179, § 1; 7 Del. C. 1953, § 1705; 57 Del. Laws, c. 739, § 78; 70 Del. Laws, c. 105, § 9; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 135, § 5; 71 Del. Laws, c. 431, § 1.)