

HB 785 -- Confiscated Animals

Sponsor: Anderson

This bill changes the laws regarding the confiscation of animals. In its main provisions, the bill:

- (1) Removes a public health official from the individuals authorized to seek a warrant to enter property to inspect, care for, or impound neglected or abused animals;
- (2) Specifies that no animal may be sterilized before the completion of the disposition hearing unless it is necessary to save life or relieve suffering;
- (3) Allows a third party approved by the court to care for impounded animals;
- (4) Specifies that an animal owner is only responsible for the impounded animal's care and keeping prior to a disposition hearing if the court determines that the animal was lawfully taken and will not be returned to the owner;
- (5) Requires a reasonable bond or security to be posted within 72 hours of the disposition hearing for the care of the animals after the hearing is completed if the court decides that the animals were lawfully taken and the owner would like to prevent disposition of the animals while the case proceeds;
- (6) Specifies that all animals impounded must receive proper care as determined by state law and regulations. Any facility or organization will be liable to the owner for damages for any negligent acts or abuse of the animal while in its custody;
- (7) Allows an owner to demand the return of the animals if he or she is acquitted or there is a final discharge without a conviction, and any organization or individual with custody of the animals must immediately return them to the owner. The animal owner is not liable for any costs incurred relating to the placement and care of the animals while the charges were pending;
- (8) Specifies that any person or entity that euthanizes, other than as permissible under the provisions of the bill, or sterilizes an animal prior to a disposition hearing or during any period for which a reasonable bond was secured for the animal's care will be guilty of a class B misdemeanor. Each individual animal for which a violation occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor and any entity licensed under state law will be subject to licensure sanction by its governing

body; and

(9) Includes dogs confiscated for multiple biting incidents or involved in dog fighting to those animals covered under these provisions.