

HCS HB 384 -- CONFISCATION OF ANIMALS

SPONSOR: Anderson

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Agriculture Policy by a vote of 9 to 3. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 8 to 3.

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 confiscate neglected or abused animals;
- (2) Requires a person acting under the authority of a warrant to appear at a disposition hearing before the court through which the warrant was issued within 10 days of the confiscation, instead of being given a disposition hearing within 30 days of the filing of the request, for the purpose of granting immediate disposition of the animals. An animal cannot 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 confiscated animals;
- (4) Specifies that the owner of any animal that has been confiscated cannot be responsible for the animal's care and keeping prior to a disposition hearing if the owner is acquitted or there is a final discharge without conviction;
- (5) Requires a reasonable bond or security to be posted within 72 hours of the disposition hearing in an amount sufficient to provide for the care of the animal and consistent with the fair market cost of boarding the animal in an appropriate retail boarding facility if the owner, custodian, or any person claiming an interest in an animal that has been confiscated because of neglect or abuse would like to prevent disposition of the animal while the case proceeds. Currently, the owner, custodian, or any person claiming an interest in an animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care for at least 30 days, inclusive of the date on which the animal was taken into custody;
- (6) Specifies that all animals confiscated must receive proper care as determined by state law and regulations. Any facility or

organization must be liable to the owner for damages for any negligent act or abuse of the animal which occurs while the animal is in its care, custody, and control;

(7) Specifies that in the event that an animal owner is not liable for the costs incurred while the charges were pending, the costs of care and the liability for the life or death of the animal and medical procedures performed are the responsibility of the confiscating agency;

(8) Allows an owner to demand the return of the animal held in custody if he or she posted a sufficient bond and is acquitted or there is a final discharge without a conviction unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence. Any entity with care, custody, and control of the animal must immediately return it to the owner upon demand and proof of the acquittal or final discharge without conviction. The animal owner must not be liable for any costs incurred relating to the placement or care of the animal while the charges were pending unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence;

(9) Specifies that any person or entity that intentionally euthanizes, other than as permissible under the provisions of the bill, or intentionally 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 and is liable to the owner for damages including the actual value of the animal. 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 must be subject to licensure sanction by its governing body;

(10) Includes dogs confiscated by any member of the State Highway Patrol or other law enforcement officer that were involved in dog fighting to those animals covered under these provisions; and

(11) Requires, in the event that the animal owner is not liable for the costs incurred, the confiscating agency to be responsible for the usual and customary veterinary costs and fair market boarding fees and be liable for the life or death of the animal and for medical procedures performed while the charges were pending.

This bill is the similar to HB 1969 (2016).

PROPOSERS: Supporters say that the bill requires a speedy disposition hearing to determine if an owner is liable for animal abuse or neglect and will save money. Often animal owners forfeit

their rights to the animals because they cannot pay the bond or the costs associated with the legal challenge.

Testifying for the bill were Representative Anderson; Missouri Federation of Animal Owners; Greg Buckman, Missouri Cattlemen's Association; Missouri Animal Husbandry Association; Everett Clamp, Missouri Pet Breeders Association; and Missouri Farm Bureau.

OPPONENTS: Those who oppose the bill say that there is a current appeal process which meets all the standards of due process of law. The expense of posting a bond is only incurred if an animal owner wishes to appeal a finding of abuse or neglect.

Testifying against the bill were Bob Baker and American Society For The Prevention Of Cruelty To Animals.