

HB 624-FN-LOCAL - AS INTRODUCED

2015 SESSION

15-0322
08/04

HOUSE BILL ***624-FN-LOCAL***

AN ACT relative to animal care costs in animal cruelty cases.

SPONSORS: Rep. Booras, Hills 33

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill allows any person confiscating an animal in an animal cruelty case to file a cost of animal care petition for reimbursement of animal care costs.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to animal care costs in animal cruelty cases.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Cruelty to Animals; Cost of Care. Amend RSA 644:8, IV to read as follows:

2 IV.(a) In addition to being guilty of crimes as provided in paragraphs III and III-a, any
3 person charged with cruelty to animals may have his or her animal confiscated by the arresting
4 officer and, ***if said person has failed to post a cost of animal care bond or other security in***
5 ***accordance with paragraph IV-b, or*** upon said person's conviction of cruelty to animals, the court
6 may dispose of said animal in any manner it decides. Courts shall give cases in which animals have
7 been confiscated by an arresting officer priority on the court calendar. The costs, if any, incurred in
8 boarding and treating the animal, pending disposition of the case, and in disposing of the animal,
9 ~~[upon a conviction of said person for cruelty to animals,]~~ shall be borne by the person ~~[so convicted]~~
10 ***charged with cruelty to animals.*** In addition, the court may prohibit any person convicted of
11 animal cruelty from having future ownership or custody of other animals for any period of time the
12 court deems reasonable or impose any other reasonable restrictions on the person's future ownership
13 or custody of animals as necessary for the protection of the animals.

14 (b) If a person convicted of cruelty to animals appeals the conviction and any confiscated
15 animal remains in the custody of the arresting officer or the officer's designee pending disposition of
16 the appeal, in order for the appellant to maintain a future interest in the animal, the trial court may
17 require the appellant to post a bond or other security in ~~[an amount not exceeding \$2,000]~~
18 ***accordance with paragraph IV-b*** for each animal in custody for costs expected to be incurred for
19 the board and care of the animal during the appeal. If the conviction is affirmed on appeal, the costs
20 incurred for the board and care of the animal shall be paid to the custodian from the posted security
21 and the balance, if any, returned to the person who posted it.

22 2 New Paragraph; Cruelty to Animals Cost of Care Petition and Bond. Amend RSA 644:8 by
23 inserting after paragraph IV-a the following new paragraph:

24 IV-b.(a) Any person confiscating an animal under paragraph IV, or providing care for a
25 confiscated animal, may file a cost of animal care petition with any court that is competent to hear
26 civil cases. The petition shall contain:

27 (1) The authority for, and purpose of, the confiscation, including the time, place, and
28 circumstances of the confiscation, and the facts regarding any animal cruelty;

29 (2) A description of the animal, including its current condition and any facts
30 demonstrating the animal's disease, injury, or suffering; and

31 (3) If the person from whom the animal is confiscated is not the animal's owner, the

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1 name and address of the owner, if such information is available to the petitioner upon reasonable
2 investigation. If the owner's name and address is not available to the petitioner upon reasonable
3 investigation, then the petition shall include the address of the premises where the animal was
4 confiscated.

5 (b) The petitioner shall serve a true and correct copy of the petition upon the animal's
6 owner. If, after reasonable investigation, the name and address of the owner cannot be located, then
7 the petition shall be conspicuously posted at the premises where the animal was confiscated.

8 (c) Upon the court's receipt of the petition, the court shall set the matter for hearing at
9 the earliest practicable time, but not more than 21 days after the petition was filed with the court.
10 The court shall, not less than 5 days prior to the hearing, notify the petitioner and the animal's
11 owner, in writing, of the date and location of the hearing. If no name and address for the owner is
12 set forth in the petition, then such notice shall be conspicuously posted at the premises where the
13 animal was confiscated.

14 (d) If the court determines that the owner cannot or will not provide necessary care for
15 the animal, or that the animal was subjected to cruelty, then the court may set a renewable bond or
16 other security in an amount sufficient to cover the reasonable costs of providing the confiscated
17 animal with humane care and adequate and necessary veterinary services, as defined in
18 subparagraph IV(a) for a period of 30 days.

19 (e) If the court orders a bond or other security to be posted, then the amount of funds
20 necessary for 30 days of the animal's care, as determined by the court, shall be posted with the
21 municipal or county treasurer. The owner shall be ordered to deposit the same amount every 30
22 days thereafter until the final disposition of the criminal matter, unless he or she requests a hearing
23 no less than 5 business days prior to the expiration of the 30-day period. If the required funds are
24 not deposited within 5 business days of the issuance of the order setting the amount of funds, or 5
25 business days after the expiration of the 30-day period, then the animal shall be forfeited to the
26 petitioner by operation of law.

27 (f) If a hearing is requested, the court may correct, alter, or otherwise adjust each new
28 bond or other security upon a motion made at least 5 days before the expiration date of the previous
29 bond. The hearing shall be held within 10 days of the motion, and notice shall be provided to the
30 petitioner and to the owner. The bond or other security payment shall be due 5 days after the court
31 orders, or refuses to order, an adjustment.

32 (g) If a bond or other security has been posted in accordance with this paragraph then
33 the entity caring for the animal may draw from that bond the actual costs incurred in keeping and
34 caring for the animal from the date of the confiscation to the date of the final disposition of the
35 animal in the criminal action.

36 (h) Upon final disposition of the criminal action, remaining funds deposited with the
37 municipal or county treasurer shall be returned to the depositor.

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1 3 Effective Date. This act shall take effect January 1, 2016.

LBAO
15-0322
01/26/15

HB 624-FN-LOCAL - FISCAL NOTE

AN ACT relative to animal care costs in animal cruelty cases.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as introduced**, as it is awaiting information from the Judicial Branch, who was contacted on 01/07/15. When completed, the fiscal note will be forwarded to the House Clerk's Office.