

HCS HB 1444 -- CONFISCATED ANIMALS

SPONSOR: Wright (Smith, 150)

COMMITTEE ACTION: Voted "do pass" by the Committee on Emerging Issues in Animal Agriculture by a vote of 12 to 0.

This substitute changes the law regarding the confiscation of animals. In its main provisions, the substitute:

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

(3) Specifies that no animal may be sterilized before the completion of the disposition hearing;

(4) Includes a third party agreed upon by the law enforcement agency, a veterinarian, and the animal owner to the authorized people who can care for impounded animals;

(5) 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;

(6) Requires a reasonable bond or security to be posted for the care of the animals after the completion of the disposition hearing 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;

(7) 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;

(8) 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; and

(9) Specifies that any person or entity that euthanizes, other

than as permissible under the provisions of the substitute, 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.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill will protect the owners from losing their investment if the animal is unlawfully seized. Owners are being charged unreasonable costs to care for their animals while the charges go through the hearing process.

Testifying for the bill were Representative Smith (150); Missouri Federation of Animal Owners; and Missouri Farm Bureau.

OPPOSERS: Those who oppose the bill say that there is a statute already in place that governs the process for seized and confiscated dogs and it is working. The bill will increase the cost for local and municipal law enforcement and shelters. Shelters will not be able to incur these additional costs.

Testifying against the bill were Brian Williams, Humane Society of Missouri; and Missouri Alliance for Animal Legislation.

OTHERS: Others testifying on the bill described the process the Department of Agriculture follows when it seizes dogs for neglect or abuse.

Testifying on the bill was Department of Agriculture.