

HB 1826 -- CONFISCATION OF ANIMALS

SPONSOR: Smith (155)

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

(1) Specifies that a warrant issued under the bill must be served in the presence of a law enforcement official;

(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 15 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 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;

(5) 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; and

(6) 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.

This bill is similar to HB 630 (2023).