

2018 -- H 7973

LC005184

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- SEIZURE OF ANIMALS
BEING CRUELLY TREATED

Introduced By: Representatives Ackerman, Shekarchi, Serpa, Vella-Wilkinson, and
Morin

Date Introduced: March 16, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 4 of the General Laws entitled "ANIMALS AND ANIMAL
2 HUSBANDRY" is hereby amended by adding thereto the following chapter:

3 CHAPTER 1.2

4 SEIZURE OF ANIMALS BEING CRUELLY TREATED

5 **4-1.2-1. Seizure of animals being cruelly treated.**

6 (a) The RI state veterinarian, the general/special agent of the RI Society for the
7 Prevention of Cruelty to Animals (RISPCA), or any duly sworn and authorized state or municipal
8 law enforcement officer may lawfully take charge and possession of any animal found abandoned
9 or neglected or hazardously accumulated as defined in § 4-1-1, or in the opinion of that
10 veterinarian, agent or officer is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the
11 labor it is performing, or cruelly treated, and may thereupon proceed to provide all necessary care
12 and treatment required or take other appropriate action as determined by a licensed veterinarian.

13 (b) Any person authorized to seize an animal pursuant to this section must leave written
14 notice on the property where the animal was seized within twenty-four (24) hours of the seizure.
15 This notice must be left in a location where it is reasonably likely to be found and must include
16 the name, address, telephone number, and signature of the person seizing the animal; the reason
17 for seizing the animal; and the location where the seized animal is being kept pending any order
18 pursuant to § 4-1.2-3. If the address of the animal owner is known, notification through certified

1 mail with return receipt requested shall also be provided.

2 **4-1.2-2. Notice of hearing.**

3 Any authorized person making a seizure may file with a district court which has
4 jurisdiction over such matter a verified petition plainly stating such facts as to bring such animal
5 within the jurisdiction of the court and praying for appropriate action by the court in accordance
6 with the provisions of this chapter. Upon the filing of such petition the court shall cause a
7 summons to be issued requiring the owner(s) or person(s) having responsibility for the care of the
8 animal, if known, to appear in court at the time and place named, which summons shall be served
9 not less than fourteen (14) days before the date of the hearing. If the owner(s) or person(s) having
10 responsibility for the care of the animal is not known, notice of the time and place of the hearing
11 shall be given by publication in a newspaper having a circulation in the town in which such
12 officer took charge of such animal not less than fourteen (14) days before the date of the hearing.
13 Such court shall further give notice to the petitioner of the time and place of the hearing not less
14 than fourteen (14) days before the date of the hearing.

15 **4-1.2-3. Order for temporary care of seized animals.**

16 (a) If it appears from the allegations of the petition and other affirmations of fact
17 accompanying the petition, or provided subsequent thereto, that there is reasonable cause to find
18 that the animal's condition or the circumstances surrounding its care require that its custody be
19 immediately assumed to safeguard its welfare, the court shall either:

20 (1) Issue an order to the owner(s) or person(s) having responsibility for the care of the
21 animal to show cause at such time as the court may designate why the court shall not vest in some
22 suitable state, municipal or other public or private agency or person the animal's temporary care
23 and custody pending a hearing on the petition; or

24 (2) Issue an order vesting in some suitable state, municipal or other public or private
25 agency or person, the animal's temporary care and custody, pending a hearing on the petition,
26 which hearing shall be held within ten (10) days from the issuance of such order on the need for
27 such temporary care and custody. The service of such orders may be made by any officer
28 authorized by law to serve process, state police officer, indifferent person, or by certified mail
29 with return receipt requested if the individual lives out of state.

30 **4-1.2-4. Posting of bond.**

31 (a) If the court issues an order pursuant to § 4-1.2-3 vesting the animal's temporary care
32 and custody in some suitable state, municipal or other public or private agency or person, the
33 owner(s) shall either surrender ownership of the animal or post a surety bond or cash bond with
34 the agency or person in whom the animal's temporary care and custody was vested. The surety

1 bond or cash bond shall be in an amount sufficient to pay the reasonable expenses related to
2 necessary veterinary care, shelter, feeding, and board which is reasonably anticipated to be
3 incurred by the agency or person having temporary care and custody of the animal during the
4 litigation of the process referenced in § 4-1.2-1.

5 (b) The surety bond or cash bond shall cover the expenses for a period as decided by the
6 court with subsequent bonds being necessary upon the expiration of the preceding bond until the
7 animal is transferred, returned, or otherwise treated pursuant to § 4-1.2-5. Failure to post the
8 original or subsequent bonds will result in forfeiture of the seized animals, with disposition as
9 provided for pursuant to § 4-1.2-5.

10 **4-1.2-5. Disposition of seized animals.**

11 (a) If, a seized animal is forfeited or surrendered pursuant to § 4-1.2-4, or after hearing,
12 the court finds that the animal is neglected or cruelly treated, it may transfer ownership of the
13 animal in any state, municipal or other public or private agency which is permitted by law to care
14 for neglected or cruelly treated animals or with any person found to be suitable or worthy of such
15 responsibility by the court.

16 (b) If, after hearing, the court finds that the animal is so injured or diseased the court may
17 order the animal into the care of a licensed veterinarian to provide the animal with appropriate
18 treatment.

19 (c) If, after hearing, the court finds that the animal is not neglected or cruelly treated, it
20 may cause the animal to be returned to its owner(s) or person(s) having responsibility for its care
21 or, if such owner(s) or person(s) is unknown or unwilling to resume caring for such animal, it
22 may transfer ownership of the animal in any state, municipal or other public or private agency or
23 person found to be suitable or worthy of such responsibility.

24 (d) If the court renders a final decision under subsection (a) or (b) of this section, the
25 agency or person with whom the bond was posted shall return the balance, if any, of such bond to
26 the owner(s). The amount of the bond to be returned to the owner(s) shall be calculated by
27 dividing the amount of the bond by thirty (30) to establish the daily rate and subtracting the
28 number of days less than thirty (30) that such agency or person has not had temporary care and
29 custody of the animal.

30 (e) If the court makes a finding pursuant to subsection (c) of this section after the
31 issuance of an order of temporary care and custody pursuant to § 4-1.2-3 and the owner(s) of the
32 animal has posted a bond pursuant to § 4-1.2-4(b), the agency or person with whom the bond was
33 posted shall return all such bond(s) to such owner(s).

34 (f) Unless the court finds that there was no probable cause to institute a complaint that the

1 animal is not neglected or cruelly treated, the expense incurred by the state or a municipality in
2 providing proper food, shelter and care to an animal it has seized pursuant to this chapter and the
3 expense incurred by any state, municipal or other public or private agency or person in providing
4 temporary care and custody to an animal pursuant to the provisions of this chapter shall be
5 determined by calculating the average costs from three (3) providers of the necessary equivalent
6 services related to the veterinary care, sheltering, feeding, and board in the state, which was
7 provided to the animal.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- SEIZURE OF ANIMALS
BEING CRUELLY TREATED

- 1 This act would establish a new chapter entitled "seizure of animals being cruelly treated."
2 This new chapter would authorize the Rhode Island state veterinarian, the general agent of the
3 Rhode Island SPCA, and law enforcement officers to take charge and possession of an animal
4 found abandoned or neglected, and to proceed to provide all necessary care and treatment for the
5 animal. The act would also authorize the person seizing the animal to file a petition in district
6 court pertaining to the permanent custody of the animal. The owner(s) of the animal may then
7 either surrender custody of the animal or post a bond to cover the costs of caring for the animal
8 while it is in state care, pending resolution of the district court petition.
9 This act would take effect upon passage.

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