

2018 -- S 2778

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

Introduced By: Senator Erin Lynch Prata

Date Introduced: April 05, 2018

Referred To: Senate Environment & Agriculture

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 AND DISPOSITION OF ANIMALS

5 **4-1.2-1. Seizure.**

6 (a) The RI state veterinarian, the general/special agent of the RI Society for the
7 Prevention of Cruelty to Animals, or any duly sworn and authorized state or municipal law
8 enforcement officer may lawfully take charge of any animal found abandoned or neglected or
9 hazardously accumulated as defined in § 4-1-1, or in the opinion of that veterinarian, agent or
10 officer is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it's performing
11 or cruelly treated and may thereupon proceed as provided in § 4-1.2-2, except that if, in the
12 opinion of a licensed veterinarian, such animal is so injured or diseased that it should be
13 humanely euthanized immediately, such officer may humanely euthanize or cause such animal to
14 be humanely euthanized.

15 (b) Any person authorized to seize an animal pursuant to § 4-1.2-1 must leave written
16 notice on the property where the animal was seized within twenty-four (24) hours of the seizure.
17 This notice must be left in a location where it is reasonably likely to be found and must include
18 the name, address, telephone number, and signature of the person seizing the animal; the reason
19 for seizing the animal; and the location where the seized animal is being kept pending any order

1 pursuant to § 4-1.2-3 and if the address of the animal owner is known, notification through
2 certified mail with return receipt requested.

3 **4-1.2-2. Notice of Hearing.**

4 (a) Any authorized person making a seizure may file with the district court which has
5 venue over such matter a verified petition plainly stating such facts as to bring such animal within
6 the jurisdiction of the court and praying for appropriate action by the court in accordance with the
7 provisions of this chapter.

8 Upon the filing of such petition the court shall cause a summons to be issued requiring
9 the owner or owners or person having responsibility for the care of the animal, if known, to
10 appear in court at the time and place named, which summons shall be served not less than
11 fourteen (14) days before the date of the hearing. If the owner or owners or person having
12 responsibility for the care of the animal is not known, notice of the time and place of the hearing
13 shall be given by publication in a newspaper having a circulation in the town in which such
14 officer took charge of such animal not less than fourteen (14) days before the date of the hearing.
15 Such court shall further give notice to the petitioner of the time and place of the hearing not less
16 than fourteen (14) days before the date of the hearing.

17 **4-1.2-3. Order for temporary care of seized animals.**

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

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

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

32 **4-1.2-4. Posting of bond.**

33 (a) If the court issues an order pursuant to § 4-1.2-3 vesting the animal's temporary care
34 and custody in some suitable state, municipal or other public or private agency or person, the

1 owner or owners shall either surrender ownership of the animal or post a surety bond or cash
2 bond with the agency or person in whom the animal's temporary care and custody was vested.
3 The surety bond or cash bond shall be in in an amount sufficient to pay the reasonable expenses
4 related to necessary veterinary care, shelter, feeding, and board which is reasonably anticipated to
5 be incurred by the agency or person having temporary care and custody of the animal during the
6 litigation of the process referenced in § 4-1.2-1.

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

11 **4-1.2-5. Disposition of seized animals.**

12 (a)(1) If a seized animal is forfeited or surrendered pursuant to § 4-1.2-4, or after hearing,
13 the court finds that the animal is neglected or cruelly treated, it may transfer ownership of the
14 animal to any state, municipal or other public or private agency which is permitted by law to care
15 for neglected or cruelly treated animals or with any person found to be suitable or worthy of such
16 responsibility by the court.

17 (2) If, after hearing, the court finds that the animal is so injured or diseased that it should
18 be destroyed, the court may order that such animal be humanely euthanized.

19 (3) 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 or owners or person having responsibility for its
21 care or, if such owner or owners or person is unknown or unwilling to resume caring for such
22 animal, it may transfer ownership of the animal to any state, municipal or other public or private
23 agency or person found to be suitable or worthy of such responsibility.

24 (4) If the court renders a final decision under subsections (a)(1) or (a)(2) of this section,
25 the agency or person with whom the bond was posted shall return the balance, if any, of such
26 bond to the owner. The amount of the bond to be returned to the owner 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 (5) If the court makes a finding under subsection (3) of this section after the issuance of
31 an order of temporary care and custody under § 4-1.2-3 and the owner of the animal has posted a
32 bond pursuant to § 4-1.2-4(2), the agency or person with whom the bond was posted shall return
33 all such bond(s) to such owner.

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

1 the animal is not neglected or cruelly treated, the expense incurred by the state or a municipality
2 in providing proper food, shelter and care to an animal it has taken charge of under § 4-1.2-1 and
3 the expense incurred by any state, municipal or other public or private agency or person in
4 providing temporary care and custody to an animal under § 4-1.2-3 is determined by the average
5 of three (3) providers of the necessary services related to the veterinary care, sheltering, feeding,
6 and board in the state.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

1 This act would provide a procedure for the seizure of any animal found to be abandoned,
2 neglected, or hazardously accumulated as well as a procedure for the disposition of seized
3 animals that are so injured or diseased that said seized animals should be destroyed.

4 This act would take effect upon passage.

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