1	S.166
2	Introduced by Senator Illuzzi
3	Referred to Committee on
4	Date:
5	Subject: Criminal procedure; humane and proper treatment of animals;
6	restitution
7	Statement of purpose: This bill proposes to authorize municipalities and
8	kennel owners to receive restitution payments from the restitution unit for
9	expenses incurred caring for animals seized because of the owner's violation of
10	animal cruelty laws.
11	An act relating to restitution in animal cruelty cases
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	Sec. 1. 13 V.S.A. § 354 is amended to read:
14	§ 354. ENFORCEMENT; POSSESSION OF ABUSED ANIMAL;
15	SEARCHES AND SEIZURES; FORFEITURE
16	* * *
17	(g)(1) If the defendant is convicted of criminal charges under this chapter
18	or if an order of forfeiture is entered against an owner under this section,:

S.166

Page 1

1	(A) the defendant or owner shall be required to repay all reasonable
2	costs incurred by the custodial caregiver for caring for the animal, including
3	veterinary expenses; and
4	(B) the court shall provide in its order that, if the defendant does not
5	repay the required costs, the amount of the unpaid costs shall constitute
6	restitution to be paid to the custodial caregiver pursuant to section 7043 of this
7	<u>title</u> .
8	* * *
9	Sec. 2. 13 V.S.A. § 5363 is amended to read:
10	§ 5363. CRIME VICTIMS' RESTITUTION SPECIAL FUND
11	* * *
11 12	* * * (d)(1) The restitution unit is authorized to advance up to \$10,000.00 to a
12	(d)(1) The restitution unit is authorized to advance up to \$10,000.00 to a
12 13	(d)(1) The restitution unit is authorized to advance up to \$10,000.00 to a victim or to a deceased victim's heir or legal representative if the victim:
12 13 14	(d)(1) The restitution unit is authorized to advance up to \$10,000.00 to a victim or to a deceased victim's heir or legal representative if the victim:(A) was first ordered by the court to receive restitution on or after
12 13 14 15	 (d)(1) The restitution unit is authorized to advance up to \$10,000.00 to a victim or to a deceased victim's heir or legal representative if the victim: (A) was first ordered by the court to receive restitution on or after July 1, 2004;
12 13 14 15 16	 (d)(1) The restitution unit is authorized to advance up to \$10,000.00 to a victim or to a deceased victim's heir or legal representative if the victim: (A) was first ordered by the court to receive restitution on or after July 1, 2004; (B) is a natural person or the natural person's legal representative;
12 13 14 15 16 17	 (d)(1) The restitution unit is authorized to advance up to \$10,000.00 to a victim or to a deceased victim's heir or legal representative if the victim: (A) was first ordered by the court to receive restitution on or after July 1, 2004; (B) is a natural person or the natural person's legal representative; and
12 13 14 15 16 17 18	 (d)(1) The restitution unit is authorized to advance up to \$10,000.00 to a victim or to a deceased victim's heir or legal representative if the victim: (A) was first ordered by the court to receive restitution on or after July 1, 2004; (B) is a natural person or the natural person's legal representative; and (C) has not been reimbursed under subdivision (2) of this subsection.

VT LEG 250766.1

1	(A) A victim service agency approved by the restitution unit if the
2	agency has advanced monies which would have been payable to a victim under
3	subdivision (1) of this subsection.
4	(B) A victim who is a natural person or the natural person's legal
5	representative in a case where the defendant, before or after an adjudication of
6	guilt, enters into a drug court contract requiring payment of restitution.
7	(C) A custodial caregiver for an animal seized pursuant to section
8	354 of this title if an order of forfeiture is entered against an owner of the
9	animal under that section or if the owner is convicted of criminal charges under
10	chapter 8 of this title.
11	(3) An Except as provided in subdivision (2)(C) of this subsection, an
12	advance under this subsection shall not be made to the government or to any
13	governmental subdivision or agency.
14	* * *
15	Sec. 3. 13 V.S.A. § 7043 is amended to read:
16	§ 7043. RESTITUTION
17	(a)(1) Restitution shall be considered in every case in which a victim of a
18	crime, as defined in subdivision 5301(4) of this title, has suffered a material
19	loss. As used in this section, a victim of a crime shall include a custodial
20	caregiver for an animal seized pursuant to section 354 of this title if an order of

1	forfeiture is entered against an owner of the animal under that section or if the
2	owner is convicted of criminal charges under chapter 8 of this title.
3	(2) For purposes of this section, "material loss" means uninsured
4	property loss, uninsured out-of-pocket monetary loss, uninsured lost wages,
5	and uninsured medical expenses, and the reasonable costs, including veterinary
6	expenses, incurred by the custodial caregiver for caring for an animal seized
7	pursuant to section 354 of this title.
8	* * *
9	Sec. 4. EFFECTIVE DATE
10	This act shall take effect on passage.