



# House of Representatives

General Assembly

**File No. 401**

*January Session, 2003*

House Bill No. 6066

*House of Representatives, April 16, 2003*

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT AUTHORIZING MUNICIPAL ANIMAL CONTROL OFFICERS TO SPAY OR NEUTER ANIMALS IN THEIR CARE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-332 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) The Chief Animal Control Officer, any animal control officer or  
4 any municipal animal control officer shall be responsible for the  
5 enforcement of this chapter and shall make diligent search and inquiry  
6 for any violation of any of its provisions. Any such officer may take  
7 into custody (1) any dog found roaming in violation of the provisions  
8 of section 22-364, (2) any dog not having a tag or plate on a collar about  
9 its neck or on a harness on its body as provided by law or which is not  
10 confined or controlled in accordance with the provisions of any order  
11 or regulation relating to rabies issued by the commissioner in  
12 accordance with the provisions of this chapter, or (3) any dog found  
13 injured on any highway, neglected, abandoned or cruelly treated. The

14 officer shall impound such dog at the pound serving the town where  
15 the dog is taken unless, in the opinion of a licensed veterinarian, the  
16 dog is so injured or diseased that it should be destroyed immediately,  
17 in which case the municipal animal control officer of such town may  
18 cause the dog to be mercifully killed by a licensed veterinarian or  
19 disposed of as the State Veterinarian may direct. The municipal animal  
20 control officer shall immediately notify the owner or keeper of any dog  
21 so taken, if known, of its impoundment. Such officer shall immediately  
22 notify the owner or keeper of any other animal which is taken into  
23 custody, if such owner or keeper is known. If the owner or keeper of  
24 any such dog or other animal is unknown, the officer shall  
25 immediately tag or employ such other suitable means of identification  
26 of the dog or other animal as may be approved by the Chief Animal  
27 Control Officer and shall promptly cause a description of such dog or  
28 other animal to be published once in the lost and found column of a  
29 newspaper having a circulation in such town.

30 (b) If such dog or other animal is not claimed by and released to the  
31 owner within seven days after the date of publication, the municipal  
32 animal control officer, upon finding such dog or other animal to be in  
33 satisfactory health, may spay or neuter such dog and sell such dog or  
34 other animal to any person who satisfies such officer that he is  
35 purchasing it as a pet and that he can give it a good home and proper  
36 care. The municipal animal control officer may retain possession of  
37 such dog or other animal for such additional period of time as he may  
38 deem advisable in order to place such dog or other animal as a pet and  
39 may spay or neuter such dog. If, within such period, any dog or other  
40 animal is not claimed by and released to the owner or keeper or  
41 purchased as a pet, the officer shall cause such dog or other animal to  
42 be mercifully killed by a licensed veterinarian or disposed of as the  
43 State Veterinarian may direct. Any veterinarian who so destroys a dog  
44 shall be paid from the dog fund account. No person who so destroys a  
45 dog or other animal shall be held criminally or civilly liable therefor  
46 nor shall any person who spays or neuters a dog pursuant to this  
47 section be held civilly liable, including, but not limited to, liability for  
48 reconstructive neutical implantation surgery.

49 (c) The town treasurer or other fiscal officer shall pay from the dog  
50 fund account the advertising expense incurred under the provisions of  
51 this section upon receipt of an itemized statement together with a copy  
52 of the advertisement as published. Any person who purchases a dog as  
53 a pet shall pay a fee of five dollars and procure a license and tag for  
54 such dog from the town clerk, in accordance with the provisions of  
55 section 22-338.

56 Sec. 2. Section 22-332d of the general statutes is repealed and the  
57 following is substituted in lieu thereof (*Effective October 1, 2003*):

58 (a) Any animal control officer for a municipality which has adopted  
59 an ordinance under subsection (b) of section 22-339d may take into  
60 custody any cat found to be damaging property other than property of  
61 its owner or keeper or causing an unsanitary, dangerous or  
62 unreasonably offensive condition unless such cat can be identified as  
63 under the care of its owner or a registered keeper of feral cats. The  
64 officer shall impound such cat at the pound serving the town where  
65 the cat is taken unless, in the opinion of a licensed veterinarian, the cat  
66 is so injured or diseased that it should be destroyed immediately, in  
67 which case the municipal animal control officer of such town may  
68 cause the cat to be mercifully killed by a licensed veterinarian or  
69 disposed of as the State Veterinarian may direct. The municipal animal  
70 control officer shall immediately notify the owner or keeper of any cat  
71 so taken, if known, of its impoundment. If the owner or keeper of any  
72 such cat is unknown, the officer shall immediately tag or employ such  
73 other suitable means of identification of the cat as may be approved by  
74 the Chief Animal Control Officer and shall promptly cause a  
75 description of such cat to be published once in the lost and found  
76 column of a newspaper having a circulation in such town.

77 (b) If such cat is not claimed by and released to the owner within  
78 seven days after the date of publication, the municipal animal control  
79 officer, upon finding such cat to be in satisfactory health, may spay or  
80 neuter any such cat and sell such cat to any person who satisfies such  
81 officer that he is purchasing it as a pet and that he can give it a good

82 home and proper care. The municipal animal control officer may retain  
 83 possession of such cat for such additional period of time as he may  
 84 deem advisable in order to place such cat as a pet and may spay or  
 85 neuter such cat. If, within such period, any cat is not claimed by and  
 86 released to the owner or keeper or purchased as a pet, the officer shall  
 87 cause such cat to be mercifully killed by a licensed veterinarian or  
 88 disposed of as the State Veterinarian may direct. No person who so  
 89 destroys a cat shall be held criminally or civilly liable therefor nor shall  
 90 any person who spays or neuters a cat pursuant to this section be held  
 91 civilly liable, including, but not limited to, liability for reconstructive  
 92 neutical implantation surgery.

93 (c) Any cat captured or impounded under the provisions of  
 94 subsection (a) of this section shall be redeemed by the owner or keeper  
 95 thereof, or the agent of such owner or keeper, upon proper  
 96 identification, and presentation to the municipal animal control officer  
 97 of a license, tag or other means of identification for such cat, and upon  
 98 the payment by such owner or keeper or his agent of (1) the  
 99 redemption fee established by the municipality, which shall not exceed  
 100 fifteen dollars, and (2) the cost of advertising incurred under the  
 101 provisions of subsection (a) of this section. When the owner or keeper  
 102 of any such impounded cat fails to redeem such cat within twenty-four  
 103 hours after receiving notification to do so, or, where the owner was  
 104 unknown, within twenty-four hours after notification was effected by  
 105 means of publication in a newspaper, such owner or keeper shall pay,  
 106 in addition to such redemption fee and the cost of advertising, the  
 107 amount determined by the municipality to be the full cost of detention  
 108 and care of such impounded cat. In addition, any owner or keeper of  
 109 any such impounded cat who fails to redeem such cat within one  
 110 hundred twenty hours after receiving notification to do so shall have  
 111 committed an infraction. The legislative body of the municipality shall  
 112 set any fees imposed by the municipality under this section.

This act shall take effect as follows:	
Section 1	October 1, 2003

Sec. 2	October 1, 2003
--------	-----------------

**ENV**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** See Below

***Explanation***

The bill allows municipal animal control officers to spay or neuter certain cats, dogs and other animals that they have taken into custody. Since the language is discretionary, it is anticipated that additional costs would only be incurred when resources were available.

---

**OLR Bill Analysis**

HB 6066

**AN ACT AUTHORIZING MUNICIPAL ANIMAL CONTROL OFFICERS TO SPAY OR NEUTER ANIMALS IN THEIR CARE****SUMMARY:**

This bill allows a municipal animal control officer to spay or neuter cats, dogs, and other animals in good health that he has taken into custody before selling or placing them as pets. The officer is subject to the same conditions set under current law by which he may sell or place such animals as pets or destroy them. The bill also exempts veterinarians who perform these procedures from civil liability, including for certain reconstructive surgery.

By law, after a cat, dog, or other animal is taken into an officer's custody he must (1) publish a description of the animal in a newspaper circulating in the town where the animal was found when the owner is unknown or (2) contact a known owner immediately. The officer must also immediately tag the cat or dog or use another suitable way to identify it when he takes it into his custody. An animal in an officer's custody may be sold as a pet or destroyed if its owner does not claim it within seven days after he publishes the notice. No one who destroys cats or dogs under these circumstances may be held criminally or civilly liable.

EFFECTIVE DATE: October 1, 2003

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Report

Yea 27      Nay 0