



Substitute House Bill No. 7392

Public Act No. 07-230

AN ACT CONCERNING SEIZURE AND CUSTODY OF NEGLECTED OR CRUELLY TREATED ANIMALS.

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

Section 1. Section 22-329a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) The Chief Animal Control Officer, any animal control officer or any municipal or regional animal control officer may [lawfully take charge] take physical custody of any animal [found] when such animal control officer has reasonable cause to believe that such animal is in imminent harm and is neglected or is cruelly treated [,] in violation of [sections] section 22-366, 22-415, [and] 53-247, [to] 53-248, 53-249, 53-249a, 53-250, 53-251 or 53-252, [inclusive, and shall thereupon] and, not later than ninety-six hours after taking physical custody, shall proceed as provided in subsection [(b)] (c) of this section, except that if, in the opinion of a licensed veterinarian or the State Veterinarian, at any time after physical custody of such animal is taken, such animal is so injured or diseased that it should be destroyed immediately, such officer may humanely destroy or cause such animal to be humanely destroyed.

(b) The Chief Animal Control Officer, any animal control officer or

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any municipal or regional animal control officer may take physical custody of any animal upon issuance of a warrant finding probable cause that such animal is neglected or is cruelly treated in violation of section 22-366, 22-415, 53-247, 53-248, 53-249, 53-249a, 53-250, 53-251 or 53-252, and shall thereupon proceed as provided in subsection (c) of this section except that if, in the opinion of a licensed veterinarian or the State Veterinarian, at any time after physical custody of such animal is taken, such animal is so injured or diseased that it should be destroyed immediately, such officer may humanely destroy or cause such animal to be humanely destroyed.

[(b)] (c) Such officer shall file with the superior court which has venue over such matter or with the superior court for the judicial district of Hartford at Hartford a verified petition plainly stating such facts of neglect or cruel treatment as to bring such animal within the jurisdiction of the court and praying for appropriate action by the court in accordance with the provisions of this section. Upon the filing of such petition, the court shall cause a summons to be issued requiring the owner or owners or person having responsibility for the care of the animal, if known, to appear in court at the time and place named. [, which summons shall be served not less than fourteen days before the date of the hearing. If the owner or owners or person having responsibility for the care of the animal is not known, notice of the time and place of the hearing shall be given by publication in a newspaper having a circulation in the town in which such officer took charge of such animal not less than fourteen days before the date of the hearing. Such court shall further give notice to the petitioner of the time and place of the hearing not less than fourteen days before the date of the hearing.]

[(c) If] (d) If physical custody of an animal has been taken pursuant to subsection (a) or (b) of this section and it appears from the allegations of the petition filed pursuant to subsection (c) of this

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section and other affirmations of fact accompanying the petition, or provided subsequent thereto, that there is reasonable cause to find that the animal's condition or the circumstances surrounding its care require that [its custody be immediately assumed] temporary care and custody be immediately assumed to safeguard its welfare, the court shall either (1) issue an order [to the owner or owners or person having responsibility for the care of the animal] to show cause [at such time as the court may designate] why the court [shall] should not vest in some suitable state, municipal or other public or private agency or person the animal's temporary care and custody pending a hearing on the petition, or (2) issue an order vesting in some suitable state, municipal or other public or private agency or person the animal's temporary care and custody pending a hearing on the petition. [which hearing] A hearing on the order issued by the court pursuant to subdivision (1) or (2) of this subsection shall be held [within ten] not later than fourteen days [from] after the issuance of such order. [on the need for such temporary care and custody.] The service of such [orders] order may be made by any officer authorized by law to serve process, state police officer or indifferent person and shall be served not less than forty-eight hours prior to the date and time of such hearing. If the owner or owners or person having responsibility for the care of the animal is not known, notice of the time and place of the hearing shall be given by publication in a newspaper having a circulation in the town in which such officer took physical custody of such animal not less than forty-eight hours prior to the date and time of such hearing.

(e) If physical custody of an animal has not been taken pursuant to subsection (a) or (b) of this section, and the Chief Animal Control Officer, any animal control officer or any municipal or regional animal control officer has reasonable cause to believe that an animal is neglected or is cruelly treated in violation of section 22-366, 22-415, 53-247, 53-248, 53-249, 53-249a, 53-250, 53-251 or 53-252, such animal control officer may file a petition with the superior court which has

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venue over such matter or with the superior court for the judicial district of Hartford at Hartford, plainly stating such facts of neglect or cruel treatment as to bring the animal within the jurisdiction of the court and praying for appropriate action by the court to ensure the welfare of the animal including, but not limited to, physical removal and temporary care and custody of the animal, authorization of an animal control officer or a licensed veterinarian to provide care for the animal on site, vesting of ownership of the animal, the posting of a bond in accordance with subsection (f) of this section and the assessment of costs in accordance with subsection (h) of this section. Upon the filing of such petition, the court shall cause a summons for an order to show cause to be issued requiring the owner or owners or person having responsibility for the care of the animal, if known, to appear in court at the time and place named. If the owner or owners or person having responsibility for the care of the animal is not known, notice of the time and place of the hearing shall be given by publication in a newspaper having a circulation in the town where the animal is located not less than forty-eight hours prior to the date and time of the hearing. If it appears from the allegations of the petition filed pursuant to this subsection and other affirmations of fact accompanying the petition, or provided subsequent thereto, that there is reasonable cause to find that the animal's condition or the circumstances surrounding its care require the immediate removal of the animal from the owner or owners or person having responsibility for the care of the animal to safeguard its welfare, the court shall issue an order vesting in some suitable state, municipal or other public or private agency or person the animal's temporary care and custody pending a hearing on the petition which hearing shall be held not later than ten days after the issuance of such order for such temporary care and custody. The service of such order may be made by any officer authorized by law to serve process, state police officer or indifferent person and shall be served not less than forty-eight hours prior to the date and time of such hearing.

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[(d)] (f) If the court issues an order [pursuant to subsection (c) of this section] vesting the animal's temporary care and custody in some suitable state, municipal or other public or private agency or person, the owner or owners shall either relinquish ownership of the animal or post a surety bond or cash bond with the agency or person in whom the animal's temporary care and custody was vested. The surety bond or cash bond shall be in the amount of [four hundred fifty] five hundred dollars and shall secure payment for the reasonable expenses of the agency or person having temporary care and custody of the animal in caring and providing for such animal until the court makes a finding as to the animal's disposition under subsection [(e)] (g) of this section. [or for thirty days, whichever occurs first.] The requirement that a bond be posted may be waived if such owner provides satisfactory evidence that such owner is indigent and unable to pay for such bond.

[(e)] (g) (1) If, after hearing, the court finds that the animal is neglected or cruelly treated, it [may] shall vest ownership of the animal in any state, municipal or other public or private agency which is permitted by law to care for neglected or cruelly treated animals or with any person found to be suitable or worthy of such responsibility by the court.

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

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

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(4) If the court makes a finding under subdivision (1) or (2) of this subsection less than thirty days after the issuance of an order of temporary care and custody [under subsection (c) of this section] and the owner of the animal has posted a bond, [pursuant to subsection (d) of this section,] the agency or person with whom the bond was posted shall return the balance of such bond, if any, to the owner. The amount of the bond to be returned to the owner shall be calculated at the rate of fifteen dollars per day per animal or twenty-five dollars per day per animal if the animal is a horse or other large livestock for the number of days less than thirty that such agency or person has not had temporary care and custody of the animal less any veterinary costs and expenses incurred for the welfare of the animal.

(5) If the court makes a finding under subdivision (3) of this subsection after the issuance of an order of temporary care and custody [under subsection (c) of this section] and the owner of the animal has posted a bond, [pursuant to subsection (d) of this section,] the agency or person with whom the bond was posted shall return such bond to such owner.

[(f) Unless] (h) If the court finds that the animal is [not] neglected or cruelly treated, the [expense] expenses incurred by the state or a municipality in providing proper food, shelter and care to an animal it has taken [charge] custody of under subsection (a) or (b) of this section and the [expense] expenses incurred by any state, municipal or other public or private agency or person in providing temporary care and custody [to an animal under subsection (c) of this section] pursuant to an order vesting temporary care and custody, calculated at the rate of fifteen dollars per day [,] per animal or twenty-five dollars per day per animal if the animal is a horse or other large livestock until the date ownership is vested pursuant to subdivision (1) of subsection (g) of this section shall be paid by the owner or owners or person having responsibility for the care of the animal. In addition, all veterinary

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costs and expenses incurred for the welfare of the animal that are not covered by the per diem rate shall be paid by the owner or owners or person having responsibility for the animal.

[(g)] (i) If the court vests ownership of the animal in the Commissioner of Agriculture [pursuant to subdivision (1) of subsection (e) of this section] or a municipality, the commissioner or the municipality may conduct or participate in a public auction of the animal under such conditions the commissioner or the municipality deems necessary or the commissioner or the municipality may consign the animal to [a livestock] an auction or sell the animal through an open advertised bid process whereby bid price and demonstration of sufficient knowledge and ability to care for such animal are factors for the commissioner's or municipality's consideration. All moneys collected from the sale of animals sold by the Commissioner of Agriculture through such open advertised bid process shall be deposited in the "animal abuse cost recovery account" established in subsection (j) of this section. All moneys collected from the sale of animals sold by a municipality through such open advertised bid process shall be deposited by the town treasurer or other fiscal officer in the town's general fund. In a case where rehabilitative or special care of such animal is required, the commissioner or the municipality may vest ownership of such animal in an individual or a public or private nonprofit animal rescue or adoption organization which annually places ten or more animals in private homes as pets.

[(h)] (j) There is established a separate, nonlapsing account within the General Fund, to be known as the "animal abuse cost recovery account". All moneys collected from sales at public auction of [domestic] animals seized by the Department of Agriculture pursuant to this section shall be deposited into the account. Deposits of moneys may be made into the account from public or private sources, including, but not limited to, the federal government or municipal

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governments.

[(i)] (k) Notwithstanding any provision of the general statutes, any moneys received by the Department of Agriculture pursuant to subsection [(h)] (j) of this section shall be deposited in the General Fund and credited to the animal abuse cost recovery account. The account shall be available to the Commissioner of Agriculture for the purpose of the housing, care and welfare of any [domestic] animal seized by the department, until final disposition of such animal. Nothing in this section shall prevent the commissioner from obtaining or using funds from sources other than the account for the housing, care and welfare of any [domestic] animal seized by the department pursuant to this section.

[(j)] The commissioner shall report annually concerning the activities and status of the animal abuse cost recovery account to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and agriculture.]

Sec. 2. Section 22-38b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) For the purposes of this section, "grocery or food store" means a business that employs ten or more persons and is engaged in the retail sale of produce, such as fruits and vegetables, meats, poultry, seafood, nuts, dairy products, bakery products or eggs.

(b) No grocery or food store shall be eligible for any state grant, financial assistance, state loan or other state-funded incentive under title 32, unless such store is certified as a "Connecticut Farm Fresh Market" by the Commissioner of Agriculture pursuant to subsection (c) of this section.

(c) The Commissioner of Agriculture shall establish and administer a program, within available resources, to certify grocery and food

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stores as "Connecticut Farm Fresh Markets". A grocery or food store may be certified by the commissioner as a Connecticut Farm Fresh Market if proof is submitted, to the satisfaction of the commissioner, that such store continuously stocks fifteen per cent or more of its shelf space for retail produce and dairy with farm products grown or produced in this state. Such products include, but are not limited to, dairy products, meat, poultry, seafood, nuts, eggs, fruits and vegetables. A grocery or food store certified as a Connecticut Farm Fresh Market may use the words "Connecticut Farm Fresh Market" for promotional and marketing activities. No store other than a store certified as a Connecticut Farm Fresh Market may use such words for promotional and marketing activities.

(d) The Commissioner of Agriculture shall establish and administer a program, within available resources, to promote restaurants in the state that serve farm products grown or produced in the state. The commissioner shall, upon receiving proof satisfactory to said commissioner that at least twenty per cent of food served by a restaurant consists of farm products grown and produced in the state, certify the restaurant to use the words "Connecticut Farm Fresh Restaurant" for promotional and marketing activities. No restaurant other than one certified as a Connecticut Farm Fresh Restaurant may use such words for promotional and marketing activities.

[(e) The Commissioner of Agriculture shall establish and administer a program, within available resources, to promote schools in the state that serve farm products grown or produced in the state. The commissioner shall, upon receiving proof satisfactory to said commissioner that at least twenty per cent of food served by a school consists of farm products grown and produced in the state, certify the school to use the words "Connecticut Farm Fresh School" in any promotional materials or description of such school. No school other than one certified as a Connecticut Farm Fresh School may use such

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words for promotional activities. For purposes of this subsection, "school" includes any public or nonpublic school and any public or nonpublic institution of higher education.]

[(f)] (e) The Commissioner of Agriculture may adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this section.

Approved July 11, 2007