



# House of Representatives

General Assembly

**File No. 653**

January Session, 2007

Substitute House Bill No. 7392

*House of Representatives, April 30, 2007*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***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:

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 Section 22-329a of the general statutes is repealed and the  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

3 (a) The Chief Animal Control Officer, any animal control officer or  
4 any municipal or regional animal control officer may [lawfully take  
5 charge] take physical custody of any animal [found] when such animal  
6 control officer has reasonable cause to believe that such animal is in  
7 imminent harm and is neglected or is cruelly treated [,] in violation of  
8 [sections] section 22-366, 22-415, [and] 53-247, [to] 53-248, 53-249, 53-  
9 249a, 53-250, 53-251 or 53-252, [inclusive, and shall thereupon] and, not  
10 later than ninety-six hours after taking physical custody, shall proceed  
11 as provided in subsection [(b)] (c) of this section, except that if, in the  
12 opinion of a licensed veterinarian or the State Veterinarian, at any time  
13 after physical custody of such animal is taken, such animal is so  
14 injured or diseased that it should be destroyed immediately, such

15 officer may humanely destroy or cause such animal to be humanely  
16 destroyed.

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

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

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

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

74 (e) If physical custody of an animal has not been taken pursuant to  
75 subsection (a) or (b) of this section, and the Chief Animal Control  
76 Officer, any animal control officer or any municipal or regional animal  
77 control officer has reasonable cause to believe that an animal is  
78 neglected or is cruelly treated in violation of section 22-366, 22-415, 53-  
79 247, 53-248, 53-249, 53-249a, 53-250, 53-251 or 53-252, such animal  
80 control officer may file a petition with the superior court which has  
81 venue over such matter or with the superior court for the judicial  
82 district of Hartford at Hartford, plainly stating such facts of neglect or

83 cruel treatment as to bring the animal within the jurisdiction of the  
84 court and praying for appropriate action by the court to ensure the  
85 welfare of the animal including, but not limited to, physical removal  
86 and temporary care and custody of the animal, authorization of an  
87 animal control officer or a licensed veterinarian to provide care for the  
88 animal on site, vesting of ownership of the animal, the posting of a  
89 bond in accordance with subsection (f) of this section and the  
90 assessment of costs in accordance with subsection (h) of this section.  
91 Upon the filing of such petition, the court shall cause a summons for  
92 an order to show cause to be issued requiring the owner or owners or  
93 person having responsibility for the care of the animal, if known, to  
94 appear in court at the time and place named. If the owner or owners or  
95 person having responsibility for the care of the animal is not known,  
96 notice of the time and place of the hearing shall be given by  
97 publication in a newspaper having a circulation in the town where the  
98 animal is located not less than forty-eight hours prior to the date and  
99 time of the hearing. If it appears from the allegations of the petition  
100 filed pursuant to this subsection and other affirmations of fact  
101 accompanying the petition, or provided subsequent thereto, that there  
102 is reasonable cause to find that the animal's condition or the  
103 circumstances surrounding its care require the immediate removal of  
104 the animal from the owner or owners or person having responsibility  
105 for the care of the animal to safeguard its welfare, the court shall issue  
106 an order vesting in some suitable state, municipal or other public or  
107 private agency or person the animal's temporary care and custody  
108 pending a hearing on the petition which hearing shall be held not later  
109 than ten days after the issuance of such order for such temporary care  
110 and custody. The service of such order may be made by any officer  
111 authorized by law to serve process, state police officer or indifferent  
112 person and shall be served not less than forty-eight hours prior to the  
113 date and time of such hearing.

114 [(d)] (f) If the court issues an order [pursuant to subsection (c) of this  
115 section] vesting the animal's temporary care and custody in some  
116 suitable state, municipal or other public or private agency or person,  
117 the owner or owners shall either relinquish ownership of the animal or

118 post a surety bond or cash bond with the agency or person in whom  
119 the animal's temporary care and custody was vested. The surety bond  
120 or cash bond shall be in the amount of [four hundred fifty] five  
121 hundred dollars and shall secure payment for the reasonable expenses  
122 of the agency or person having temporary care and custody of the  
123 animal in caring and providing for such animal until the court makes a  
124 finding as to the animal's disposition under subsection [(e)] (g) of this  
125 section. [or for thirty days, whichever occurs first.] The requirement  
126 that a bond be posted may be waived if such owner provides  
127 satisfactory evidence that such owner is indigent and unable to pay for  
128 such bond.

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

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

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

145 (4) If the court makes a finding under subdivision (1) or (2) of this  
146 subsection less than thirty days after the issuance of an order of  
147 temporary care and custody [under subsection (c) of this section] and  
148 the owner of the animal has posted a bond, [pursuant to subsection (d)  
149 of this section,] the agency or person with whom the bond was posted  
150 shall return the balance of such bond, if any, to the owner. The amount

151 of the bond to be returned to the owner shall be calculated at the rate  
152 of fifteen dollars per day per animal or twenty-five dollars per day per  
153 animal if the animal is a horse or other large livestock for the number  
154 of days less than thirty that such agency or person has not had  
155 temporary care and custody of the animal less any veterinary costs and  
156 expenses incurred for the welfare of the animal.

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

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

179 [(g)] (i) If the court vests ownership of the animal in the  
180 Commissioner of Agriculture [pursuant to subdivision (1) of  
181 subsection (e) of this section] or a municipality, the commissioner or  
182 the municipality may conduct or participate in a public auction of the  
183 animal under such conditions the commissioner or the municipality

184 deems necessary or the commissioner or the municipality may consign  
185 the animal to [a livestock] an auction or sell the animal through an  
186 open advertised bid process whereby bid price and demonstration of  
187 sufficient knowledge and ability to care for such animal are factors for  
188 the commissioner's or municipality's consideration. All moneys  
189 collected from the sale of animals sold by the Commissioner of  
190 Agriculture through such open advertised bid process shall be  
191 deposited in the "animal abuse cost recovery account" established in  
192 subsection (j) of this section. All moneys collected from the sale of  
193 animals sold by a municipality through such open advertised bid  
194 process shall be deposited by the town treasurer or other fiscal officer  
195 in the town's general fund. In a case where rehabilitative or special  
196 care of such animal is required, the commissioner or the municipality  
197 may vest ownership of such animal in an individual or a public or  
198 private nonprofit animal rescue or adoption organization which  
199 annually places ten or more animals in private homes as pets.

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

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

218 pursuant to this section.

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

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

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

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

234 (c) The Commissioner of Agriculture shall establish and administer  
235 a program, within available resources, to certify grocery and food  
236 stores as "Connecticut Farm Fresh Markets". A grocery or food store  
237 may be certified by the commissioner as a Connecticut Farm Fresh  
238 Market if proof is submitted, to the satisfaction of the commissioner,  
239 that such store continuously stocks fifteen per cent or more of its shelf  
240 space for retail produce and dairy with farm products grown or  
241 produced in this state. Such products include, but are not limited to,  
242 dairy products, meat, poultry, seafood, nuts, eggs, fruits and  
243 vegetables. A grocery or food store certified as a Connecticut Farm  
244 Fresh Market may use the words "Connecticut Farm Fresh Market" for  
245 promotional and marketing activities. No store other than a store  
246 certified as a Connecticut Farm Fresh Market may use such words for  
247 promotional and marketing activities.

248 (d) The Commissioner of Agriculture shall establish and administer

249 a program, within available resources, to promote restaurants in the  
 250 state that serve farm products grown or produced in the state. The  
 251 commissioner shall, upon receiving proof satisfactory to said  
 252 commissioner that at least twenty per cent of food served by a  
 253 restaurant consists of farm products grown and produced in the state,  
 254 certify the restaurant to use the words "Connecticut Farm Fresh  
 255 Restaurant" for promotional and marketing activities. No restaurant  
 256 other than one certified as a Connecticut Farm Fresh Restaurant may  
 257 use such words for promotional and marketing activities.

258 [(e) The Commissioner of Agriculture shall establish and administer  
 259 a program, within available resources, to promote schools in the state  
 260 that serve farm products grown or produced in the state. The  
 261 commissioner shall, upon receiving proof satisfactory to said  
 262 commissioner that at least twenty per cent of food served by a school  
 263 consists of farm products grown and produced in the state, certify the  
 264 school to use the words "Connecticut Farm Fresh School" in any  
 265 promotional materials or description of such school. No school other  
 266 than one certified as a Connecticut Farm Fresh School may use such  
 267 words for promotional activities. For purposes of this subsection,  
 268 "school" includes any public or nonpublic school and any public or  
 269 nonpublic institution of higher education.]

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	22-329a
Sec. 2	October 1, 2007	22-38b

**JUD**      *Joint Favorable Subst.*

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 chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 08 \$</b>	<b>FY 09 \$</b>
Department of Agriculture	GF/SF - Savings	Potential Minimal	Potential Minimal

Note: GF=General Fund

#### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 08 \$</b>	<b>FY 09 \$</b>
Various Municipalities	See Below	See Below	See Below

### **Explanation**

The bill clarifies and accelerates the current process for a state or local animal control officer (ACO) to seize an abused animal. To the extent that speeding up the process reduces costs for care and custody of the animals to the state or municipalities, there would be a cost savings over current practice. The bill specifies that the court may vest ownership of the abused animal to the municipality, and that the municipality can participate in an auction to sell the animal. The state can already auction these animals. Funds derived by a municipality from an auction are to be deposited into the town's general fund. The amount of any revenue increase is unknown at this time. The bill also specifies that the current per day fee (\$15) that owners or keepers of the abused animal must pay the state or municipality is per animal, increases the fees for larger animals (\$25) for their care pursuant to an order vesting temporary care and custody with the state or municipality, and provides that all expenses incurred in providing for the welfare of the animal are paid by the owner or keeper. These changes are anticipated to reduce costs to the state and municipalities involved in these cases. The exact savings or cost avoidance is unknown at this time.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 7392*****AN ACT CONCERNING SEIZURE AND CUSTODY OF NEGLECTED OR CRUELLY TREATED ANIMALS.*****SUMMARY:**

This bill changes the procedures for a state or local animal control officer (ACO) to seize an abused animal. Under the bill, (1) an ACO has three specific options for starting proceedings about neglected and abused animals, including seizure when the animal faces imminent harm; (2) an ACO must file a petition for court action, similar to current law, in all three instances; and (3) the court must decide whether temporary care and custody of such an animal is necessary and hold a hearing to make a final determination on the animal, similar to current law.

Specifically, the bill allows an ACO to take custody of any neglected or cruelly treated animal without a warrant, if it faces imminent harm. Under current law, an ACO may lawfully take charge of any animal found neglected or cruelly treated, but under current practice must obtain a criminal search and seizure warrant to do so. The bill conforms the law with this current practice by specifying the process for taking custody of neglected or cruelly treated animals with a warrant. It also establishes a hearing process to address the needs of such animals before or without taking custody. The bill makes changes to a required petition and hearing process and regarding court orders in such cases.

The bill eliminates a duplicate program established in 2004 under which the agriculture commissioner must, within available appropriations, promote schools and colleges at which at least 20% of the food they serve consists of farm products grown or produced in the state, certifying them as "Connecticut Farm Fresh Schools." PA 06-

135 established a farm-to-school program within the agriculture department (see BACKGROUND).

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2007

## **HANDLING CASES OF NEGLECTED OR CRUELLY TREATED ANIMALS**

### ***Lawful Charge and Imminent Danger***

Under current law, a state or local ACO may lawfully take charge of any animal he or she finds neglected or cruelly treated. By law, animal cruelty includes various violations, from illegally cropping a dog's ears to torturing an animal. Under current law, the ACO must then file a petition to bring the animal into a court's jurisdiction. The law is unclear as to the meaning of "lawful," but current practice and case law (see BACKGROUND) require the ACO to obtain a warrant to seize such animals.

Under the bill, an ACO may additionally take physical custody of any animal without a warrant when he or she has reasonable cause to believe that the animal is in imminent harm and is neglected or cruelly treated under the law. The ACO must then file the required petition, similar to current law's process, but the bill specifies he or she must do so within 96 hours of taking physical custody, with an exception for humanely destroying a sick or injured animal, similar to current law's.

### ***Warrant to take Custody for Neglect or Cruel Treatment***

The current practice for ACOs is to obtain a warrant to take charge of neglected or cruelly treated animals. Under the bill, any ACO may take physical custody of any animal upon issuance of a warrant finding probable cause that the animal is neglected or cruelly treated. The ACO must also file the required petition, with the humane destruction exception similar to current law's.

### ***Petition Required and Humane Destruction Exception, Jurisdiction, Summons, and Notices***

Under current law, after lawfully taking charge of an animal, the ACO must file with the superior court having venue over the matter a verified petition, which plainly states the facts for bringing the animal into the court's jurisdiction and requests appropriate action. When the ACO files the petition, the court must have a summons issued requiring the owner, owners, or person responsible for the animal's care (i.e., owner or keeper), if known, to appear in court at the time and place it names. The summons must be served at least 14 days before the hearing date.

Under the bill, the ACO must similarly file a verified petition plainly stating the facts. The bill specifies (1) the facts concern neglect or cruel treatment and (2) that an ACO may file in either Hartford's superior court or in the relevant superior court. As under current law, the bill provides an exception for filing the petition, specifying when in the opinion of a licensed veterinarian the animal is so injured or diseased that it should be destroyed immediately, the officer may humanely destroy or cause such animal to be humanely destroyed. The bill specifies that the state veterinarian may provide this opinion and that the opinion can come at any time.

Under current law, if the owner or keeper is not known, notice of the time and place of the hearing must be published in a newspaper having a circulation in the town in which such officer took charge of the animal at least 14 days before the hearing. The bill eliminates this notice requirement for the petition hearing, but requires it for hearings where the court has reasonable cause to vest temporary custody of an animal to a public or private agency or appropriate person (see below). Current law requires the court to also notify the petitioner of the hearing time and place of an initial custody hearing at least 14 days before it. The bill eliminates this requirement.

***Care after Petition and Hearing Before or Without Taking Custody***

Under the bill, an ACO may file a petition with Hartford superior court or the relevant superior court to attempt to ensure the animal's welfare through court action if he or she has (1) reasonable cause to

believe that an animal is neglected or is cruelly treated and (2) not taken physical custody for reasonable cause or upon issuance of a warrant. The petition must plainly state the facts concerning neglect or cruel treatment. The bill specifies that the court's actions include: (1) authorization of an ACO or a licensed veterinarian to provide care for the animal on site, (2) physical removal and temporary care and custody of the animal, (3) vesting the animal's ownership, (4) ordering the owner to post a bond to cover the animal's care, and (5) assessing costs. The same summons and hearing notice requirements for animals in custody apply in such cases.

### **RESULT OF REQUIRED PETITION, TEMPORARY CARE, AND CUSTODY DETERMINATION**

Under current law, if it appears from the allegations in the petition required in all three methods of addressing neglected or abused animals (i.e., imminent harm, with warrant, or after hearing without seizure) and other facts, or if it later becomes apparent, that there is reasonable cause to find the animal's condition or care require that someone other than the owner or keeper immediately assume its custody to safeguard its welfare, the court must take one of two actions. The court must either issue an order:

1. to the owner or keeper to show cause at a time the court designates as to why it should not vest the animal's temporary care and custody in a suitable state, municipal, other public or private agency, or another person pending a hearing on the petition or
2. vesting the animal's temporary care and custody pending a hearing on the petition with a suitable (a) state, municipal, or other public or private agency or (b) person.

Under current law, the petition hearing must be held within 10 days of the order and the order may be served by any officer authorized by law to serve process, a state police officer, or an indifferent person.

The bill requires the court to make the temporary care and custody

order when an ACO has taken physical custody under the same circumstances, but allows the hearing to take place within 14 days of the order. The bill specifies that the order must be served, by the same individuals, but at least 48 hours before the time and date of the hearing. The bill provides that if the animal's owner or keeper is unknown, a notice of the vesting hearing's time and place must be published in a newspaper having a circulation in the town where the ACO took physical custody of the animal. Under it, the notice must be published at least 48 hours before the hearing.

### ***Relinquishing Animal or Bond Required For Temporary Care and Custody***

By law, if the court orders the animal's temporary care and custody vested to a suitable agency or person, the owner or keeper must either (1) give up ownership of the animal or (2) post a surety or cash bond with the agency or person to whom the court vested the animal's temporary care and custody. The surety or cash bond must be \$450 and secure payment for the reasonable expenses of caring and providing for the animal until the court decides what will happen to the animal or for 30 days, whichever occurs first. The requirement that a bond be posted may be waived if such owner provides satisfactory evidence that he or she is indigent and unable to pay for the bond. The bill raises the bond amount to \$500 and eliminates the 30 day threshold.

### **COURT FINDINGS AND VESTING CUSTODY**

Under current law, if the court finds that the animal is neglected or cruelly treated after a hearing, it may vest ownership of the animal in any (1) public or private agency that is permitted by law to care for neglected or cruelly treated animals or (2) with any person the court finds suitable or worthy of the responsibility. The bill requires the court to vest ownership in such an agency or person.

### ***Bonds and Payment for Costs***

Current law provides that the agency or person having the bond must return its balance to the owner if (1) the court finds, in less than

30 days after issuing the temporary care and custody order, that ownership should be permanently vested in someone else's care or the animal should be destroyed and (2) the owner posted a bond. The amount of the bond to be returned must be calculated at the rate of \$15 dollars per day by subtracting the number of days of temporary care and custody from 30. The bill keeps the \$15 per day fee, specifying it is per animal, and (1) makes the fee \$25 per day per animal if the animal is a horse or other large livestock and (2) subtracts from the amount returned, if any, to the owner any veterinary costs and expenses incurred for the animal's welfare.

Under current law, unless the court finds that the animal is not neglected or cruelly treated, the owner or keeper must pay for its care at the rate of \$15 per day to cover (1) the state or municipal expense for providing proper food, shelter, and care to an animal it has taken charge of and (2) any expense of a state, municipal, or other public or private agency or person in providing temporary care and custody to an animal if the court orders it. The bill specifies that (1) this payment is pursuant to an order vesting temporary care and custody, (2) the \$15 per day fee is per animal and establishes a \$25 per animal per day fee for horses or other large livestock, and (3) payments are made until the date the court vests ownership having found the animal neglected or cruelly treated. The bill further provides that all veterinary costs and expenses incurred for the welfare of the animal that are not covered by the per diem rate must be paid by the owner or keeper.

***Ownership Vested to the Agriculture Commissioner or a Municipality***

Under current law, if the court vests ownership to the agriculture commissioner having found the animal neglected or cruelly treated, he may (1) publicly auction the animal under such conditions he deems necessary or (2) consign the animal to a livestock auction. In a case where rehabilitative or special care for the animal is required, the commissioner may vest the animal's ownership in an individual or a public or private nonprofit animal rescue or adoption organization. The law specifies that such an organization must annually place 10 or

more animals in private homes as pets.

The bill specifies that the court may also vest ownership to a municipality, giving the municipality the same rights as the commissioner. The bill specifies that the commissioner or municipality may participate in a public auction in addition to holding one or consigning it to an auction. Additionally, the bill allows the commissioner or municipality to sell the animal through an open advertised bid process in which the bid price and the demonstration of sufficient knowledge and ability to care for such an animal are factors for the commissioner's or municipality's consideration. The bill specifies that all funds collected from the sale of animals sold by the agriculture commissioner through such open advertised bid process must be deposited in the "animal abuse cost recovery account." All funds a municipality collects from selling an animal through an open advertised bid process must be deposited by the town treasurer or other fiscal officer in the town's general fund.

By law, there is a separate, nonlapsing account within the General Fund known as the "animal abuse cost recovery account." Under current law, all funds collected from sales at public auction of domestic animals seized by the agriculture department for neglect and animal cruelty must be deposited into the account. By law, deposits may also be made into the account from public or private sources, including the federal government or municipal governments. Current law allows the commissioner to use the account to cover the costs of housing, care, and welfare of any domestic animal seized by the department, until the animal's final disposition. Current law provides that its requirements for the account to do not prevent the commissioner from obtaining or using funds from sources other than the account for the housing, care, and welfare of any domestic animal seizes. The bill removes "domestic," specifying that all animals auctioned are included.

The bill eliminates the requirement that the commissioner annually report to the Environment and Appropriations committees concerning

the activities and status of the animal abuse cost recovery account.

## **BACKGROUND**

### ***Farm-to-School***

PA 06-135 established a farm-to-school program within the agriculture department and provided that the program must be run in consultation with State Department of Education (SDE). Its goal is to promote and facilitate the sale of Connecticut-grown farm products by farms to school districts, schools, and other educational institutions under SDE's jurisdiction (CGS § 22-38d).

### ***Case Law***

A 2006 Superior Court decision found the statute concerning taking charge of neglected or cruelly treated animals unclear. The court also found:

[t]he use of the criminal warrant procedure rather than a civil petition procedure to obtain judicial determination of whether immediate seizure is appropriate did not deprive [the defendant] of due process (*Connecticut, ex rel, Maureen Griffin, Chief Animal Control Officer v. Thirteen Horses*, Superior Court WESTLAW HHD-CV-06-4019747S, June 16, 2006).

### ***Animal Cruelty Criminal Charges***

Connecticut has several laws that prohibit cruelty to animals, ranging from broad anti-cruelty prohibitions that make it a crime to overwork or beat an animal to specific laws against particular acts, such as cropping a dog's ears. The penalties for violating the anti-cruelty laws range from a fine of \$50 for cropping a dog's ears to a fine of up to \$10,000 and up to ten years in prison for killing a police animal.

Certain acts of animal cruelty are criminal acts. Judges have the same discretion sentencing as they do with other criminal acts that do not carry mandatory minimum sentences. This includes the discretion to sentence an offender to probation or grant him or her conditional

discharge.

By law, ACOs may act to prevent acts of cruelty upon any animal and may arrest people for violating any law relating to dogs or domestic animals (CGS §§ 22-329 and 22-330).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/13/2007)