



General Assembly

January Session, 2007

Raised Bill No. 7392

LCO No. 5861

05861_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***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 Section 22-329a of the general statutes is repealed and the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. The State Veterinarian or any licensed veterinarian who so

17 destroys such animal shall not be held criminally or civilly liable
18 therefor.

19 (b) The Chief Animal Control Officer, any animal control officer or
20 any municipal or regional animal control officer may take physical
21 custody of any animal upon issuance of a warrant finding probable
22 cause that such animal is neglected or is cruelly treated in violation of
23 section 22-366, 22-415, 53-247, 53-248, 53-249, 53-249a, 53-250, 53-251 or
24 53-252, and shall thereupon proceed as provided in subsection (c) of
25 this section except that if, in the opinion of a licensed veterinarian or
26 the State Veterinarian, at any time after physical custody of such
27 animal is taken, such animal is so injured or diseased that it should be
28 destroyed immediately, such officer may humanely destroy or cause
29 such animal to be humanely destroyed. The State Veterinarian or any
30 licensed veterinarian who so destroys such animal shall not be held
31 criminally or civilly liable therefor.

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

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

78 (e) If physical custody of an animal has not been taken pursuant to
79 subsection (a) or (b) of this section, and the Chief Animal Control
80 Officer, any animal control officer or any municipal or regional animal
81 control officer has reasonable cause to believe that an animal is
82 neglected or is cruelly treated in violation of section 22-366, 22-415, 53-
83 247, 53-248, 53-249, 53-249a, 53-250, 53-251 or 53-252, such animal

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

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

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

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

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

149 (4) If the court makes a finding under subdivision (1) or (2) of this

150 subsection less than thirty days after the issuance of an order of
151 temporary care and custody [under subsection (c) of this section] and
152 the owner of the animal has posted a bond, [pursuant to subsection (d)
153 of this section,] the agency or person with whom the bond was posted
154 shall return the balance of such bond, if any, to the owner. The amount
155 of the bond to be returned to the owner shall be calculated at the rate
156 of fifteen dollars per day per animal or twenty-five dollars per day per
157 animal if the animal is a horse or other large livestock for the number
158 of days less than thirty that such agency or person has not had
159 temporary care and custody of the animal less any veterinary costs and
160 expenses incurred for the welfare of the animal.

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

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

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

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

212 [(i)] (k) Notwithstanding any provision of the general statutes, any
213 moneys received by the Department of Agriculture pursuant to
214 subsection [(h)] (j) of this section shall be deposited in the General
215 Fund and credited to the animal abuse cost recovery account. The

216 account shall be available to the Commissioner of Agriculture for the
217 purpose of the housing, care and welfare of any [domestic] animal
218 seized by the department, until final disposition of such animal.
219 Nothing in this section shall prevent the commissioner from obtaining
220 or using funds from sources other than the account for the housing,
221 care and welfare of any [domestic] animal seized by the department
222 pursuant to this section.

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

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

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

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

238 (c) The Commissioner of Agriculture shall establish and administer
239 a program, within available resources, to certify grocery and food
240 stores as "Connecticut Farm Fresh Markets". A grocery or food store
241 may be certified by the commissioner as a Connecticut Farm Fresh
242 Market if proof is submitted, to the satisfaction of the commissioner,
243 that such store continuously stocks fifteen per cent or more of its shelf
244 space for retail produce and dairy with farm products grown or
245 produced in this state. Such products include, but are not limited to,
246 dairy products, meat, poultry, seafood, nuts, eggs, fruits and

247 vegetables. A grocery or food store certified as a Connecticut Farm
248 Fresh Market may use the words "Connecticut Farm Fresh Market" for
249 promotional and marketing activities. No store other than a store
250 certified as a Connecticut Farm Fresh Market may use such words for
251 promotional and marketing activities.

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

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

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

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

Statement of Purpose:

To revise procedures for the seizure, custody, care, disposition and euthanization of neglected or cruelly treated animals and to delete a redundant provision concerning Connecticut Farm Fresh Schools.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]