



Senate

General Assembly

File No. 534

January Session, 2009

Substitute Senate Bill No. 784

Senate, April 8, 2009

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ROAMING LIVESTOCK AND PUBLIC SAFETY.

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 Section 22-332 of the general statutes is repealed and the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 July 1, 2009*):

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 or other
13 domestic animal found injured on any highway, neglected, abandoned

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

33 (b) If such dog or other domestic animal is not claimed by and
34 released to the owner within seven days after the date of publication,
35 the municipal animal control officer, upon finding such dog or other
36 domestic animal to be in satisfactory health, may have a licensed
37 veterinarian spay or neuter such dog or other domestic animal and sell
38 such dog or other domestic animal to any person who satisfies such
39 officer that he or she is purchasing it as a pet and that he or she can
40 give it a good home and proper care. The municipal animal control
41 officer may retain possession of such dog or other domestic animal for
42 such additional period of time as he or she may deem advisable in
43 order to place such dog or other domestic animal as a pet and may
44 have a licensed veterinarian spay or neuter such dog or other domestic
45 animal. If, within such period, any dog or other domestic animal is not
46 claimed by and released to the owner or keeper or purchased as a pet,
47 the officer shall cause such dog or other domestic animal to be
48 mercifully killed by a licensed veterinarian or disposed of as the State

49 Veterinarian may direct. Any veterinarian who so destroys a dog or
50 other domestic animal shall be paid from the dog fund account. No
51 person who so destroys a dog or other domestic animal shall be held
52 criminally or civilly liable therefor nor shall any licensed veterinarian
53 who spays or neuters a dog or other domestic animal pursuant to this
54 section be held civilly liable, including, but not limited to, liability for
55 reconstructive neutical implantation surgery. For the purposes of this
56 section, "other domestic animal" means any animal commonly kept as
57 a pet, but does not include livestock, as defined in section 22-278, or
58 ratites.

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

66 Sec. 2. (NEW) (*Effective July 1, 2009*) (a) The Chief Animal Control
67 Officer, any animal control officer or any municipal animal control
68 officer may take into custody any livestock, as defined in section 22-
69 278 of the general statutes, or ratite, whose presence on any highway
70 or public property poses a threat to public safety or whose presence on
71 property other than the property of its owner or keeper creates a threat
72 to public safety or threat to other animals or property. Such officer may
73 impound such livestock or ratite at the pound serving the town where
74 the animal was taken into custody or at any other suitable facility as
75 determined by the Commissioner of Agriculture, except that in the
76 opinion of a licensed veterinarian, if the livestock or ratite is so injured
77 or diseased that it should be destroyed immediately, the municipal
78 animal control officer of such town may cause the livestock or ratite to
79 be mercifully killed by a licensed veterinarian or disposed of as the
80 State Veterinarian may direct. The municipal animal control officer
81 shall immediately notify the owner or keeper, if known, of the
82 impoundment of any livestock or ratite taken pursuant to this section.

83 If the owner or keeper of any such livestock or ratite is unknown, the
84 officer shall immediately tag or employ such other suitable means of
85 identification of the livestock or ratite as may be approved by the Chief
86 Animal Control Officer and shall promptly cause a description of such
87 livestock or ratite to be published once in the lost and found column of
88 a newspaper having a circulation in the town where the animal was
89 taken into custody.

90 (b) If such livestock or ratite is not claimed by and released to the
91 owner within fourteen days after the date of such publication, the
92 municipal animal control officer, upon finding such livestock or ratite
93 to be in satisfactory health, may sell such livestock or ratite to any
94 person who satisfies such officer that he or she is purchasing it for
95 domestic use and that he or she can give it proper care. The municipal
96 animal control officer may retain possession of such livestock or ratite
97 for such additional period of time as he or she may deem advisable in
98 order to place such livestock or ratite. If, within such period, any
99 livestock or ratite is not claimed by and released to the owner or
100 keeper or purchased for domestic use, the officer may offer the
101 livestock or ratite to a public or private nonprofit animal rescue or
102 adoption organization.

103 (c) The Chief Animal Control Officer, any animal control officer or
104 any municipal animal control officer may fine the owner or keeper of
105 livestock or ratite taken into custody under subsection (a) of this
106 section a total of sixty dollars for the first offense, regardless of the
107 number of livestock or ratites involved in such offense, two hundred
108 fifty dollars for the second offense occurring within fifteen days of the
109 first offense, regardless of the number of livestock or ratites involved
110 in the second offense, and five hundred dollars for the third offense
111 occurring within thirty days of the first offense, regardless of the
112 number of livestock or ratites involved in the third offense. The owner
113 or keeper of livestock or a ratite taken into custody pursuant to
114 subsection (a) of this section shall also be liable for costs associated
115 with the transportation and care of such livestock or ratite until such
116 livestock or ratite is returned to such owner or keeper.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	22-332
Sec. 2	July 1, 2009	New section

Statement of Legislative Commissioners:

In subsection (a) of section 22-332, an opening bracket was inserted before "Such", "domestic" was deleted in the same sentence and a closing bracket was inserted after "known." because the sentence was duplicative.

ENV *Joint Favorable Subst. C/R* PD

PD *Joint Favorable Subst.-LCO*

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: See below

Municipal Impact: See below

Explanation

The bill could result in a minimal revenue gain to the General Fund since it allows the Chief Animal Control Officer to fine the owner or keeper of roaming livestock or a ratite taken into custody: (1) \$60 for the first offense, (2) \$200 for the second offense occurring within fifteen days of the first offense, and (3) \$500 for the third offense occurring within thirty days of the first offense. The agency did not levy any fines in FY 08 due to a lack of staff to perform enforcement duties and it is not anticipated that many fines would be imposed for this purpose.

The bill could also result in a minimal revenue gain to various municipalities since it allows municipalities to sell unclaimed livestock or ratites to certain persons. The sale price is market driven and is based on the condition of the animal, but is not anticipated to be significant. It is anticipated that there would be one sale of this type every other year.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 784*****AN ACT CONCERNING ROAMING LIVESTOCK AND PUBLIC SAFETY.***

This bill explicitly broadens the authority of the chief animal control officer (ACO) and municipal and other ACOs to impound animals under certain circumstances.

By law, ACOs may impound any dog found injured on any highway, neglected, abandoned, or cruelly treated. Current law refers to “any other animal” taken into custody, but is unclear as to when these animals may be impounded. The bill adds the explicit authority to impound other domestic animals that are injured, neglected, abandoned, or cruelly treated and requires the exact same process after impoundment as existing law requires for dogs. The bill defines “other domestic animal” as any animal commonly kept as a pet, excluding livestock or ratite (animals such as ostrich or emu).

The bill also allows ACOs to impound livestock or ratite that pose a threat to public safety, property, or other animals. The officer must follow similar impoundment and processing procedures as he or she follows with impounded dogs. By law, livestock includes cattle, camelid (e.g., llamas and camels), and hooved animals a person raises for domestic or commercial use.

The bill allows municipal ACOs to fine the owners or keepers of impounded livestock or ratite up to \$500 depending upon the (1) frequency of offense and (2) closeness in time to prior offenses.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2009

DOG IMPOUNDMENT AND PROCESSING AND OTHER DOMESTIC ANIMALS

By law, an ACO must impound a dog under certain circumstances (see BACKGROUND), unless a licensed veterinarian decides the dog's injuries or disease warrants it being destroyed. In that case, the ACO may have the dog mercifully killed by a licensed veterinarian or disposed of as the state veterinarian directs. The bill allows an ACO to have an "other domestic animal" mercifully killed for the same reason when he or she finds one injured on any highway, neglected, abandoned, or cruelly treated.

By law, a municipal ACO may euthanize, sell, or place as a pet, a dog, cat, or other animal in his or her custody if its owner has not claimed it within seven days after he or she published notice of the animal's capture in a newspaper that has circulation in the municipality where the animal was found. Any veterinarian who euthanizes a dog must be paid from the dog fund account (see BACKGROUND). The bill extends this payment to veterinarians who euthanize other domestic animals under the same circumstance.

Existing law allows the ACO to have a licensed veterinarian spay or neuter unclaimed dogs in his or her custody after the seven day period, before selling or placing them as pets (it is unclear if this extends to other animals). The bill explicitly extends the spaying or neutering right to include other domestic animals. Existing law and the bill waive liability for veterinarians who spay or neuter animals in this situation.

LIVESTOCK OR RATITE IMPOUNDMENT AND DISPOSITION

The bill allows ACOs to impound livestock or ratite that pose a threat to public safety on highways, public or private property, or other animals. The livestock or ratite must be impounded at the local pound or at a suitable facility as the agriculture commissioner determines, unless it is so injured or diseased that it should be destroyed immediately. As with dogs and other animals, livestock or ratite must be mercifully killed by a veterinarian or disposed of as the

state veterinarian directs. Under the bill, a veterinarian who mercifully kills the animal and a person who disposes of it cannot be held criminally or civilly liable.

Informing the Owner or Keeper

If the owner or keeper of the livestock or ratite is known, the bill requires the municipal ACOs to notify him or her of the impoundment immediately. If the owners or keepers are unknown, the officer must immediately tag or employ another suitable way to identify the animal as the chief ACO sees fit. The officer must then promptly publish a description of the livestock or ratite in the lost and found column of a newspaper having a circulation in the town where the animal was impounded.

Unclaimed Livestock or Ratite

The bill allows a municipal ACO to sell healthy livestock or ratite not claimed by and released to its owner or keeper within 14 days after the newspaper notice publication. The sale must be to a person who the officer is satisfied is purchasing the animal for domestic use and can give it proper care.

The municipal ACO may retain the livestock or ratite for an additional time that he or she thinks is advisable to place the livestock or ratite. If any livestock or ratite is not claimed by and released to the owner or keeper or bought for domestic use, the officer may offer the livestock or ratite to a public or private nonprofit animal rescue or adoption organization.

Fines on Owners or Keepers

The bill allows any ACO to fine the owner or keeper of impounded livestock or ratite, regardless of the number of animals impounded, as follows:

1. up to \$60 for the first offense,
2. up to \$250 for the second offense occurring within 15 days of the first offense, and

3. up to \$500 for a third offense occurring within 30 days of first offense.

The owner or keeper of the impounded livestock or ratite is also responsible for the costs associated with the transportation and care of the animals until they are returned to the owner or keeper.

BACKGROUND

Impounding Dogs

By law, ACOs may take into custody (1) any roaming dog; (2) any dog not (a) having a tag or plate on its collar, (b) leashed, or (c) confined or under control as required by any order of the agriculture commissioner or regulation relating to rabies; or (3) any dog found injured on any highway, neglected, abandoned, or cruelly treated.

Dog Fund Account

Each town treasurer or fiscal officer must keep a separate dog fund account of all fees received from the town clerk and all receipts from, and expended by, the municipal ACO in his or her duties. On September 1 annually, the town treasurer or fiscal officer must pay the agriculture commissioner 50% of all funds he received from (1) the sale of dog licenses that the town clerk sold before July 1, (2) transfer or replacement tags, and (3) kennel licenses. However, if a municipality chose to have its ACO undertake a survey of unlicensed dogs as allowed under CGS § 22-349, the treasurer may instead choose to pay 40% of all funds to the commissioner. Either way, the treasurer must include with such payment a statement of the number of licenses issued during the year.

Additionally, all funds received from licenses sold after June 30 and all funds received from the municipal ACO must be kept by the town treasurer or other fiscal officer in the separate dog fund account. The town treasurer or other fiscal officer must also, on the ensuing September 1, send 50%, or 40% as the case may be, of all license fees in such account to the commissioner, including any penalty fees.

Related Bill

SB 497 (File 414), which the Environment Committee favorably reported on March 20, requires anyone who purchases an unclaimed dog from a municipal pound to pay for the cost incurred by the animal control officer in searching for its owner.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute Change of Reference

Yea 17 Nay 9 (02/18/2009)

Planning and Development Committee

Joint Favorable

Yea 13 Nay 6 (03/20/2009)