



General Assembly

February Session, 2014

Raised Bill No. 309

LCO No. 1918



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING MUNICIPAL COSTS FOR THE CARE OF
CONFISCATED ANIMALS.***

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

1 Section 1. Subsections (f) to (k), inclusive, of section 22-329a of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (f) If the court issues an order vesting the animal's temporary care
5 and custody in some suitable state, municipal or other public or
6 private agency or person, the owner or owners shall either relinquish
7 ownership of the animal or post a surety bond or cash bond with the
8 agency or person in whom the animal's temporary care and custody
9 was vested. The surety bond or cash bond shall be in the amount of
10 five hundred dollars for each animal placed in the temporary care or
11 custody of such agency or person and shall secure payment for the
12 reasonable expenses of the agency or person having temporary care
13 and custody of the animal in caring and providing for such animal
14 until the court makes a finding as to the animal's disposition under
15 subsection (g) of this section. The requirement that a bond be posted

16 may be waived if such owner provides satisfactory evidence that such
17 owner is indigent and unable to pay for such bond.

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

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

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

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

44 (5) If the court makes a finding under subdivision (3) of this
45 subsection after the issuance of an order of temporary care and
46 custody and the owner of the animal has posted a bond, the agency or

47 person with whom the bond was posted shall return such bond to such
48 owner.

49 (h) If the court finds that the animal is neglected or cruelly treated,
50 the expenses incurred by the state or a municipality in providing
51 proper food, shelter and care to an animal it has taken custody of
52 under subsection (a) or (b) of this section and the expenses incurred by
53 any state, municipal or other public or private agency or person in
54 providing temporary care and custody pursuant to an order vesting
55 temporary care and custody, calculated at the rate of fifteen dollars per
56 day per animal or twenty-five dollars per day per animal if the animal
57 is a horse or other large livestock until the date ownership is vested
58 pursuant to subdivision (1) of subsection (g) of this section shall be
59 paid by the owner or owners or person having responsibility for the
60 care of the animal. In addition, all veterinary costs and expenses
61 incurred for the welfare of the animal that are not covered by the per
62 diem rate shall be paid by the owner or owners or person having
63 responsibility for the animal.

64 (i) If the court vests ownership of the animal in the Commissioner of
65 Agriculture or a municipality, the commissioner or the municipality
66 may conduct or participate in a public auction of the animal under
67 such conditions the commissioner or the municipality deems necessary
68 or the commissioner or the municipality may consign the animal to an
69 auction or sell the animal through an open advertised bid process
70 whereby bid price and demonstration of sufficient knowledge and
71 ability to care for such animal are factors for the commissioner's or
72 municipality's consideration. All moneys collected from the sale of
73 animals sold by the Commissioner of Agriculture through such open
74 advertised bid process shall be deposited in the animal abuse cost
75 recovery account established in subsection (j) of this section. All
76 moneys collected from the sale of animals sold by a municipality
77 through such open advertised bid process shall be deposited by the
78 town treasurer or other fiscal officer in the town's general fund. The
79 commissioner or the municipality may also vest ownership of any such

80 animal in an individual or a public or private nonprofit animal rescue
81 or adoption organization.

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

89 (k) Notwithstanding any provision of the general statutes, any
90 moneys received by the Department of Agriculture pursuant to
91 subsection (j) of this section shall be deposited in the General Fund and
92 credited to the animal abuse cost recovery account. The account shall
93 be available to the Commissioner of Agriculture for the purpose of the
94 housing, care and welfare of any animal seized by the department,
95 until final disposition of such animal and for the purpose of providing
96 reimbursement to any municipal, public or private agency or person
97 for the costs of providing temporary care to such animal if such
98 temporary care exceeded thirty days in duration and such costs exceed
99 the amount of any surety bond posted pursuant to subsection (f) of this
100 section. Nothing in this section shall prevent the commissioner from
101 obtaining or using funds from sources other than the account for the
102 housing, care and welfare of any animal seized by the department
103 pursuant to this section.

104 Sec. 2. Subsection (e) of section 22-380g of the 2014 supplement to
105 the general statutes is repealed and the following is substituted in lieu
106 thereof (*Effective from passage*):

107 (e) Any revenue collected pursuant to the provisions of sections 22-
108 380f and 22-380l shall be deposited in the animal population control
109 account. All money in the account shall be used by the commissioner
110 exclusively for (1) the implementation and promotion of the animal

111 population control program, (2) the costs associated with the
112 administration of such program, provided not more than two hundred
113 twenty-five thousand dollars may be expended for administrative
114 costs per year, [and] (3) reimbursement of persons completing a
115 training program pursuant to subsections (c) and (d) of section 22-328,
116 for the costs of such program, and (4) reimbursement to any
117 municipal, public or private agency or person for the costs of
118 providing temporary care to any animal pursuant to section 22-329a, as
119 amended by this act, if such temporary care exceeded thirty days in
120 duration and such costs exceed the amount of any surety bond posted
121 pursuant to subsection (f) of section 22-329a, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-329a(f) to (k)
Sec. 2	<i>from passage</i>	22-380g(e)

Statement of Purpose:

To provide greater assurance of reimbursement to municipalities that are required to cover the costs of caring for certain confiscated animals.

[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.]