



# Senate

General Assembly

**File No. 99**

January Session, 2015

Senate Bill No. 870

*Senate, March 17, 2015*

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## **AN ACT CONCERNING THE DUTIES OF ANIMAL CONTROL OFFICERS.**

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

1 Section 1. Subsection (b) of section 22-331 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (b) Except as provided in section 22-331a, the chief or  
5 superintendent of police in each other city or town having a police  
6 department and the selectmen or chief executive officer in each town  
7 which has no police department, or such other appointing authority as  
8 the charter of such town may designate, in their respective  
9 jurisdictions, shall appoint a municipal animal control officer and such  
10 assistants as are deemed necessary to administer and enforce the laws  
11 relating to dogs and other domestic animals. Such officer and  
12 assistants shall have such qualifications as the commissioner may  
13 prescribe and shall serve for a term of at least one year.

14 Sec. 2. Section 22-332 of the general statutes is repealed and the  
15 following is substituted in lieu thereof (*Effective October 1, 2015*):

16 (a) The Chief Animal Control Officer, any animal control officer or  
17 any municipal animal control officer shall be responsible for the  
18 enforcement of this chapter and shall make diligent search and inquiry  
19 for any violation of any of its provisions. Any such officer may take  
20 into custody (1) any dog found roaming in violation of the provisions  
21 of section 22-364, (2) any dog not having a tag or plate on a collar about  
22 its neck or on a harness on its body as provided by law or which is not  
23 confined or controlled in accordance with the provisions of any order  
24 or regulation relating to rabies issued by the commissioner in  
25 accordance with the provisions of this chapter, or (3) any dog or other  
26 domestic animal found injured on any highway, neglected, abandoned  
27 or cruelly treated. The officer shall impound such dog or other  
28 domestic animal at the pound serving the town where the dog or other  
29 domestic animal is taken unless, in the opinion of a licensed  
30 veterinarian, the dog or other domestic animal is so injured or diseased  
31 that it should be destroyed immediately, in which case the municipal  
32 animal control officer of such town may cause the dog or other  
33 domestic animal to be mercifully killed by a licensed veterinarian or  
34 disposed of as the State Veterinarian may direct. The municipal animal  
35 control officer shall immediately notify the owner or keeper of any dog  
36 or other domestic animal so taken, if known, of its impoundment. Such  
37 officer shall immediately notify the owner or keeper of any other  
38 domestic animal which is taken into custody, if such owner or keeper  
39 is known. If the owner or keeper of any such dog or other domestic  
40 animal is unknown, the officer shall immediately tag or employ such  
41 other suitable means of identification of the dog or other domestic  
42 animal as may be approved by the Chief Animal Control Officer and  
43 shall promptly cause (A) a description of such dog or other domestic  
44 animal to be published once in the lost and found column of a  
45 newspaper having a circulation in such town or that has a state-wide  
46 circulation, and (B) a photograph or description of such dog or other  
47 domestic animal and the date on which such dog or other domestic  
48 animal is no longer legally required to be impounded to be posted on a

49 national pet adoption Internet web site or an Internet web site that is  
50 maintained or accessed by the animal control officer and that is  
51 accessible to the public through an Internet search, except such posting  
52 shall not be required if: (i) The dog or other domestic animal is held  
53 pending the resolution of civil or criminal litigation involving such dog  
54 or other domestic animal, (ii) the officer has a good faith belief that the  
55 dog or other domestic animal would be adopted by or transferred to a  
56 public or private nonprofit rescue organization for the purpose of  
57 placing such dog or other domestic animal in an adoptive home even  
58 in the absence of such posting, (iii) the dog or other domestic animal's  
59 safety will be placed at risk, or (iv) such animal control officer  
60 determines that such dog or other domestic animal is feral and not  
61 adoptable. If any animal control officer does not have the technological  
62 resources to post such information on an Internet web site as required  
63 by subparagraph (B) of this subdivision, such officer may contact a  
64 public or private animal rescue organization and request that such  
65 organization post such information, at such organization's expense, on  
66 [a] an Internet web site that is accessible to the public through an  
67 Internet search. To the extent practicable, any such posting by an  
68 animal control officer or a public or private animal rescue organization  
69 shall remain posted for the duration of such dog or other domestic  
70 animal's impoundment in the municipal or regional dog pound.

71 (b) If such dog or other domestic animal is not claimed by and  
72 released to the owner within seven days after the date of publication,  
73 the municipal animal control officer, upon finding such dog or other  
74 domestic animal to be in satisfactory health, may have a licensed  
75 veterinarian spay or neuter such dog and sell such dog or other  
76 domestic animal to any person who satisfies such officer that [he] such  
77 person is purchasing [it] such dog or other domestic animal as a pet  
78 and that [he] such person can give it a good home and proper care. The  
79 municipal animal control officer may retain possession of such dog or  
80 other domestic animal for such additional period of time as [he] such  
81 animal control officer may deem advisable in order to place such dog  
82 or other domestic animal as a pet and may have a licensed veterinarian  
83 spay or neuter such dog. If, within such period, any dog or other

84 domestic animal is not claimed by and released to the owner or keeper  
85 or purchased as a pet, the officer shall cause such dog or other  
86 domestic animal to be mercifully killed by a licensed veterinarian or  
87 disposed of as the State Veterinarian may direct. Any veterinarian who  
88 so destroys a dog shall be paid from the dog fund account. No person  
89 who so destroys a dog or other domestic animal shall be held  
90 criminally or civilly liable therefor nor shall any licensed veterinarian  
91 who spays or neuters a dog pursuant to this section be held civilly  
92 liable, including, but not limited to, liability for reconstructive neurtical  
93 implantation surgery.

94 (c) The town treasurer or other fiscal officer shall pay from the dog  
95 fund account the advertising expense incurred under the provisions of  
96 this section upon receipt of an itemized statement together with a copy  
97 of the advertisement as published. Any person who purchases a dog as  
98 a pet shall pay a fee of five dollars and procure a license and tag for  
99 such dog from the town clerk, in accordance with the provisions of  
100 section 22-338. In addition to the five-dollar fee, any person who  
101 purchases a dog as a pet may be charged the cost the municipality  
102 incurred, if any, to spay or neuter and vaccinate the dog, provided  
103 such charge shall not exceed one hundred fifty dollars.

104 (d) No regional or municipal dog pound facility, municipality,  
105 regional or municipal animal control officer or public or private  
106 nonprofit animal rescue organization that arranges for the provision of  
107 treatment by a licensed veterinarian to an injured, sick or diseased  
108 animal pursuant to a contract described in section 22-332e shall be held  
109 civilly liable for such actions unless such actions are performed in a  
110 wanton, reckless or malicious manner. No licensed veterinarian who  
111 provides treatment free of charge or for a reduced fee, to an injured,  
112 sick or diseased animal as a direct result of a contract described in  
113 section 22-332e shall be held civilly liable for the provision of such  
114 treatment unless such actions are performed in a wilful, wanton or  
115 reckless manner.

116 Sec. 3. Section 22-335 of the general statutes is repealed and the

117 following is substituted in lieu thereof (*Effective October 1, 2015*):

118 Any municipal animal control officer may be removed by the  
119 authority [which appointed him] that appointed such animal control  
120 officer or by the commissioner, and a successor may be appointed by  
121 such authority or commissioner. Any owner of a dog, [or] cat or other  
122 domestic animal aggrieved by the taking of such dog, [or] cat or other  
123 domestic animal by a municipal animal control officer may make  
124 complaint to the appointing authority of such municipal animal  
125 control officer or to the commissioner; and if, upon investigation of the  
126 complaint, the authority or the commissioner finds that the municipal  
127 animal control officer took the dog, [or] cat or other domestic animal  
128 otherwise than in accordance with the provisions of this chapter, or  
129 abused or cruelly treated the dog, [or] cat or other domestic animal, the  
130 authority or the commissioner may remove the officer and appoint  
131 [his] a successor.

132 Sec. 4. Section 22-336 of the general statutes is repealed and the  
133 following is substituted in lieu thereof (*Effective October 1, 2015*):

134 Each city or town, other than towns participating in a regional dog  
135 pound, shall (1) provide and maintain for use as a dog pound a  
136 suitable building, which shall be made comfortable for the detention  
137 and care of dogs and other domestic animals and kept in a sanitary  
138 condition, or (2) provide, through written agreement, for the detention  
139 and care of impounded dogs or other domestic animals by a licensed  
140 veterinarian, or in a licensed veterinary hospital, licensed commercial  
141 kennel, a dog pound maintained by another city or town, or other  
142 suitable facility approved by the commissioner. Any city or town may  
143 provide for the use of such building or facility to shelter other  
144 domestic animals [which] that are found injured, mistreated or  
145 roaming in a manner [which] that endangers the domestic animal or  
146 the public. The commissioner may adopt regulations, in accordance  
147 with the provisions of chapter 54, concerning the construction and  
148 maintenance of dog pounds or other facilities where impounded dogs  
149 or other domestic animals are kept, and the care, handling and

150 transportation of dogs or other domestic animals by municipal animal  
151 control officers. The commissioner may inspect any dog pound or  
152 other facility where impounded dogs or other domestic animals are  
153 kept and may issue such orders as [he] the commissioner deems  
154 necessary to correct any improper conditions found to exist. If such  
155 orders are not complied with, the commissioner may request the  
156 Attorney General to bring an action for their enforcement, including  
157 suit for an injunction in the judicial district in which the dog pound or  
158 facility is located.

159 Sec. 5. Section 22-380e of the general statutes is repealed and the  
160 following is substituted in lieu thereof (*Effective October 1, 2015*):

161 As used in sections 22-380e to 22-380m, inclusive:

162 (1) "Commissioner" means the Commissioner of Agriculture;

163 (2) "Program" means the animal population control program;

164 (3) "Account" means the animal population control account;

165 (4) "Participating veterinarian" means any veterinarian who has  
166 been certified to participate in the program by the commissioner;

167 (5) "Pound" means any state or municipal facility where  
168 impounded, quarantined or stray dogs, [and] cats or other domestic  
169 animals are kept or any veterinary hospital or commercial kennel  
170 where such dogs, [or] cats or other domestic animals are kept by order  
171 of a municipality;

172 (6) "Eligible owner" means a person who has purchased or adopted  
173 a dog or cat from a pound and who is a resident of this state;

174 (7) "Medically unfit" means (A) unsuitable for a surgical procedure  
175 due to any medical condition that may place a dog or cat at life-  
176 threatening risk if a surgical procedure is performed on such animal,  
177 as determined by a participating veterinarian, or (B) unsuitable for  
178 sterilization due to insufficiency in age, as determined by a

179 participating veterinarian, of a dog or cat under the age of six months;

180 (8) "Neuter" means the surgical procedure of castration on a male  
181 dog or cat;

182 (9) "Spay" means the surgical procedure of ovariectomy on a  
183 female dog or cat;

184 (10) "Voucher" means a nontransferable document provided by the  
185 commissioner and issued by a pound to an eligible owner authorizing  
186 payment of a predetermined amount from the animal population  
187 control account to a participating veterinarian;

188 (11) "Feral cat" means a cat of the species *Felis catus* that is  
189 unowned, that exists in a wild or untamed state or has returned to an  
190 untamed state from domestication and whose behavior is suggestive of  
191 a wild animal; and

192 (12) "Low-income person" means a recipient of or a person eligible  
193 for one of the following public assistance programs:

194 (A) The supplemental nutrition assistance program authorized by  
195 Title XIII of the federal Food and Agriculture Act of 1977, 7 USC 2011  
196 et seq.;

197 (B) The federal Temporary Assistance for Needy Families Act  
198 authorized by 42 USC 601 et seq.;

199 (C) The Medicaid program authorized by Title XIX of the federal  
200 Social Security Act;

201 (D) The HUSKY Plan Part A;

202 (E) The state-administered general assistance program;

203 (F) The state supplement program; or

204 (G) Any other public assistance program that the commissioner  
205 determines to qualify a person as a low-income person.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2015</i>	22-331(b)
Sec. 2	<i>October 1, 2015</i>	22-332
Sec. 3	<i>October 1, 2015</i>	22-335
Sec. 4	<i>October 1, 2015</i>	22-336
Sec. 5	<i>October 1, 2015</i>	22-380e

**ENV**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

This bill extends the duties of animal control officers (ACOs) to include enforcing laws relating to domestic animals, instead of just dogs. It also requires municipal pounds to accommodate domestic animals, in addition to dogs. As this codifies both state and municipal practices, there is no fiscal impact.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 870*****AN ACT CONCERNING THE DUTIES OF ANIMAL CONTROL OFFICERS.*****SUMMARY:**

This bill extends the duties of animal control officers (ACOs) to include enforcing laws relating to domestic animals, instead of just dogs. In practice, ACOs already work with other domestic animals, and by law, ACOs may arrest someone who violates the laws relating to dogs or other domestic animals (CGS § 22-330).

The bill also requires municipal pounds to accommodate domestic animals, in addition to dogs. Under existing law, municipalities, other than those participating in a regional pound, must (1) provide and maintain a suitable building to comfortably keep and care for detained dogs and (2) provide veterinarian care for those dogs.

EFFECTIVE DATE: October 1, 2015

**ACO MAY TAKE CUSTODY OF DOMESTIC ANIMAL**

The bill extends the duties of ACOs to include taking control of other domestic animals, instead of just dogs. In doing so it allows an ACO to (1) take custody of a domestic animal found injured, neglected, abandoned, or mistreated and (2) impound it or, if necessary, put it down humanely. An ACO must immediately notify the animal's keeper of an impoundment, if the keeper is known. If the keeper is unknown, the ACO must advertise the impoundment in a newspaper and on pet adoption websites. If an animal is not claimed, the ACO may sell it or, as a last option, put it down humanely. Anyone aggrieved by an ACO's taking of an animal may complain to the ACO's appointing authority.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 27 Nay 0 (02/27/2015)