

Amendment to HB 616-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to the confiscation of animals from persons suspected of or charged with
4 abuse of animals and establishing a committee to study the animal cruelty statutes.

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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 Cruelty to Animals; Livestock. Amend RSA 644:8, IV(a) to read as follows:

9 IV.(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have his
10 or her animals confiscated by the arresting officer. ***The investigating officer for a case involving***
11 ***livestock as defined in RSA 427:38, III shall be accompanied by the state veterinarian or***
12 ***their designee who shall set probable cause criteria for the taking of the animal or***
13 ***animals. No animal shall be confiscated unless a person is charged under this section,***
14 ***except when the officer believes that the animal's life is in imminent danger.***

15 (2) A person charged under this section may petition the court to seek an
16 examination of the animals by a veterinarian licensed under RSA 332-B of his or her choice at the
17 expense of the person charged. ***The person charged shall be made aware of such right in***
18 ***writing by the arresting officer.***

19 (3) ***If a person is charged under this section and is presented with any***
20 ***document to sign, the arresting officer shall explain the document to the person and the***
21 ***person shall affirm that they understand the document they are signing.***

22 ~~(3)~~ (4) Courts shall give cases in which animals have been confiscated by an
23 arresting officer priority on the court calendar. In cases in which animals have been confiscated by
24 an arresting officer or his or her agency, a status hearing shall be held by the court within 14 days of
25 the confiscation of the animals.

26 ~~(4)~~ (5) Any person with proof of sole ownership or co-ownership of an animal
27 confiscated by an arresting officer in an animal cruelty case and who is not a defendant or party of
28 interest in the criminal case may petition the court for temporary custody of the animal. The court
29 shall give such person priority for temporary custody of the animal if the court determines it is in the
30 best interest of the animal's health, safety, and wellbeing.

31 ~~(5)~~ (6) No custodian of an animal confiscated under this section shall spay or
32 neuter or otherwise permanently alter the confiscated animal in his or her custody pending final

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1 disposition of the court case unless a treating veterinarian deems such procedure necessary to save
2 the life of the animal *or the owner of the animal agrees in writing to the procedure or*
3 *treatment. If the treating veterinarian determines the animal is in a state of extreme*
4 *suffering, the animal may be euthanized.*

5 ~~[(6)]~~ (7) Upon a person's conviction of cruelty to animals, the court shall dispose of
6 the confiscated animal in any manner it decides except in a case in which the confiscated animal is
7 owned or co-owned by persons other than the defendant. If the defendant does not have an
8 ownership interest in the confiscated animal, the court shall give priority to restoring full ownership
9 rights to any person with proof of ownership if the court determines that such is in the best interest
10 of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by the defendant,
11 the court shall give priority to transferring the defendant's interest in the property to the remaining
12 owner or co-owners equitably if the court determines that such is in the best interest of the animal's
13 health, safety, and wellbeing.

14 ~~[(7)]~~ (8) The costs to provide the confiscated animals with humane care and
15 adequate and necessary veterinary services, if any, incurred in boarding and treating the animal,
16 pending disposition of the case, and in disposing of the animal upon a conviction of said person for
17 cruelty to animals, shall be borne by the person so convicted in accordance with rules adopted by the
18 department of agriculture, markets, and food.

19 (9) *No confiscated animal or animals shall be used in any manner to solicit*
20 *donations or to raise funds by any individual or organization that has protective custody*
21 *of the animal or animals prior to a conviction for abuse or neglect under this section.*

22 2 Confiscation of Animal. RSA 644:8, IV-a is repealed and reenacted to read as follows:

23 IV-a.(a) Except as provided in subparagraph (b) any appropriate law enforcement officer or
24 municipal animal control officer may take into temporary protective custody any animal when the
25 owner or caretaker is not present and there is probable cause to believe that it has been or is being
26 abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger
27 to the animal's health or life and there is not sufficient time to obtain a court order. Such officer
28 shall leave a written notice indicating the type and number of animals taken into protective custody,
29 the name of the officer, the time and date taken, the reason it was taken, the procedure to have the
30 animal returned and any other relevant information. Such notice shall be left at the location where
31 the animal was taken into custody. The officer shall provide for proper care and housing of any
32 animal taken into protective custody under this paragraph. Unless charges have been filed or a
33 warrant establishing probable cause has been issued, the animal or animals shall be returned to the
34 owner or their designee or caretaker upon request. If, after 7 days, the animal has not been
35 returned or claimed, the officer shall petition the municipal or district court seeking either
36 permanent custody or a one-week extension of custody or shall file charges under this section. If a
37 week's extension is granted by the court and after a period of 14 days the animal remains unclaimed,

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1 the title and custody of the animal shall rest with the officer on behalf of the officer's department.
2 The department may dispose of the animal in any lawful and humane manner as if it were the
3 rightful owner. If after 14 days the officer or the officer's department determines that charges
4 should be filed under this section, the officer shall petition the court. An owner of an animal taken
5 into protective custody shall have the right as referenced in subparagraph IV(a)(2).

6 (b) For purposes of subparagraph (a) the investigating officer for livestock, as defined in
7 RSA 427:38, III, shall be accompanied by a veterinarian licensed under RSA 332-B or the state
8 veterinarian who shall set the probable cause criteria for taking the animal or animals.

9 (c) In cases where one or more lactating animals are confiscated, proof shall be provided
10 by the confiscating party to the attending veterinarian and the owner or caretaker that proper care
11 and facilities shall be provided for adults and offspring. No lactating animal shall be separated from
12 its non-weaned offspring and vice versa.

13 (d) No person who has initiated an animal welfare complaint may take part in or be
14 present during any investigation into such complaint, unless the complainant is an employee of a
15 governmental agency. No person who may be called upon to take possession of any animal seized as
16 a result of a complaint under this section may have taken part in the decision to seize any animal.

17 (e) In order to protect the integrity of complaint investigations an appropriate law
18 enforcement officer shall require any person or their designated agent called upon to take possession
19 of any animal seized or to assist during any complaint investigation, to sign a binding nondisclosure
20 agreement intended to protect any shared or confidential information against unauthorized use
21 pending final adjudication or dismissal of such complaint; provided that information may be
22 disclosed only to officials with a need to know who are subject to confidentiality obligations.

23 (f) The confiscation of any animal or animals without the charging of the owner or
24 caretaker, or without a warrant specifying probable cause, under paragraph IV shall be theft by
25 unauthorized taking under RSA 637:3.

26 (g) No custodian of an animal in temporary protective custody under this section shall
27 spay or neuter or otherwise permanently alter the confiscated animal in his or her custody pending
28 final disposition of the court case unless a treating veterinarian deems such procedure necessary to
29 save the life of the animal or the owner of the animal agrees in writing to the procedure or
30 treatment. If the treating veterinarian determines the animal is in a state of extreme suffering, the
31 animal may be euthanized.

32 3 Veterinarian Assistant. Amend RSA 644:8, V to read as follows:

33 V. A veterinarian licensed to practice in the state ***and any individual requested to***
34 ***provide assistance by law enforcement or the state veterinarian*** shall be held harmless from
35 either criminal or civil liability for any decisions made for services rendered under the provisions of
36 this section or RSA 435:11-16. Such a veterinarian ***or assisting individual*** is, therefore, under
37 this paragraph, protected from a lawsuit for his part in an investigation of cruelty to animals.

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1 4 State Veterinarian; Powers. Amend RSA 436:8 to read as follows:

2 436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of
3 the powers of the commissioner and shall have general charge of the enforcement of this chapter.
4 Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of
5 domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement
6 agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is
7 located or kept. At the request of the local law enforcement agency, animal control officer, state
8 police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the
9 provisions of and investigating said complaints. ~~[In the event the commissioner becomes~~
10 ~~incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of~~
11 ~~that office during any such incapacity or until any such vacancy is filled. The commissioner may~~
12 ~~direct the state veterinarian to act for him or her in an official capacity whenever he or she may be~~
13 ~~absent from his or her duties.]~~

14 5 New Paragraph; Assessing Applications Under the Cost of Care Fund; Use for Livestock.
15 Amend RSA 437-B:1 by inserting after paragraph III the following new paragraph:

16 III-a. Applications for reimbursement for the care of livestock shall demonstrate to the
17 commissioner that the livestock were seized properly according to statute with assurance that
18 individuals with experience and professional knowledge in the care of the type of livestock seized
19 were consulted and that proper due process was afforded to the animal owner.

20 6 Committee Established. There is established a committee to study review RSA 644:8 and RSA
21 644:8-a through 644:8-g to identify elements to clarify, reorganize, and update these sections.

22 7 Membership and Compensation.

23 I. The members of the committee shall be as follows:

24 (a) Three members of the house of representatives, appointed by the speaker of the
25 house of representatives.

26 (b) One member of the senate, appointed by the president of the senate.

27 II. Members of the committee shall receive mileage at the legislative rate when attending to
28 the duties of the committee.

29 8 Duties. The committee shall:

30 I. Review RSA 644:8 and RSA 644:8-a through 644:8-g and address the following:

31 (a) Are these statutes consistent with current regulatory needs and practices?

32 (b) Are there overlapping, redundant, outdated, or conflicting statutes in RSA 644:8 and
33 RSA 644:8-a through 644:8-g?

34 (c) Do any statutes need to be transferred from one chapter to another for clarity and
35 consistency?

36 II. Work with agencies involved in the enforcement of RSA 644:8 and RSA 644:8-a through
37 644:8-g.

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1 III. Identify any other issues that may be needed to fulfill the mission of this committee.

2 9 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
3 among the members. The first meeting of the committee shall be called by the first-named house
4 member. The first meeting of the committee shall be held within 45 days of the effective date of this
5 section. Three members of the committee shall constitute a quorum.

6 10 Report. The committee shall report its findings and any recommendations for proposed
7 legislation to the speaker of the house of representatives, the president of the senate, the house
8 clerk, the senate clerk, the governor, and the state library on or before November 1, 2025.

9 11 Effective Date.

10 I. Sections 1 - 5 of this act shall take effect January 1, 2026.

11 II. The remainder of this act shall take effect upon its passage.