

Amendment to SB 619-FN

1 Amend RSA RSA 644:8, IV(a)(3) as inserted by section 1 of the bill by replacing it with the following:

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

7 (A) *A purpose of the hearing shall be to determine whether the*
8 *confiscation of the animal or animals was legal. Upon such a showing, the court may*
9 *require the defendant or appellant to post a bond or other security in an amount not*
10 *exceeding \$1,000 for each animal in custody and/or make a determination of custody that*
11 *is in the best interest of the animal's health, safety, and wellbeing. If the confiscated*
12 *animal is co-owned by the defendant, the court may transfer the custody of the animal to*
13 *the remaining owner or co-owners equitably if the court determines that such is in the best*
14 *interest of the animal's health, safety, and wellbeing. The court may also address any*
15 *other matters before it as raised by either party or if it is in the interests of justice. Upon*
16 *request from either party or by order of the court, this hearing may include the defendant's*
17 *arraignment. Waiver of the arraignment by the defendant shall not waive the 14 day*
18 *hearing set forth in this paragraph.*

19 (B) *Such bond or security shall be posted to the court within 30 days. If*
20 *such bond or security is not paid within 30 days after the court orders the bond or security*
21 *to be posted, the animals shall be forfeited to the arresting officer, the arresting officer's*
22 *agency, or the arresting officer's agency's designee. The court may, for good cause, extend*
23 *the deadline by no more than 15 days. A court shall order the return of any bond or*
24 *security upon a court approved agreement of the parties or a finding of not guilty. Nothing*
25 *in subparagraph (3) shall negate any requirement for payment resulting from provisions*
26 *in RSA 435:16.*

27 (C) *If the accused fails to appear in court without giving prior notice*
28 *within 3 days of the hearing date, or, if less than 3 days notice, without evidence of*
29 *emergent circumstances, the hearing shall take place as scheduled and the court may rule*
30 *on any matters before it.*