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2026-0985h  
09/08

Amendment to HB 1766-FN

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

2

3 1 Cruelty to Animals. Amend RSA 644:8, IV(a)(1) to read as follows:

4 IV.(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have his  
5 or her animals, **except for livestock**, confiscated by the arresting officer. **The confiscation of**  
6 **livestock shall be governed by paragraph IV-b.**

7 2 Cruelty to Animals. Amend RSA 644:8, IV-a(a) to read as follows:

8 IV-a.(a) Except as provided in subparagraphs (b) and (c) any appropriate law enforcement  
9 officer, animal control officer, or officer of a duly licensed humane society may take into temporary  
10 protective custody any animal, **except for livestock, which shall be governed by paragraph IV-**  
11 **b**, when there is probable cause to believe that it has been or is being abused or neglected in  
12 violation of paragraphs III or III-a when there is a clear and imminent danger to the animal's health  
13 or life and there is not sufficient time to obtain a court order. Such officer shall leave a written  
14 notice indicating the type and number of animals taken into protective custody, the name of the  
15 officer, the time and date taken, the reason it was taken, the procedure to have the animal returned  
16 and any other relevant information. Such notice shall be left at the location where the animal was  
17 taken into custody. The officer shall provide for proper care and housing of any animal taken into  
18 protective custody under this paragraph. If, after 7 days, the animal has not been returned or  
19 claimed, the officer shall petition the municipal or district court seeking either permanent custody or  
20 a one-week extension of custody or shall file charges under this section. If a week's extension is  
21 granted by the court and after a period of 14 days the animal remains unclaimed, the title and  
22 custody of the animal shall rest with the officer on behalf of the officer's department or society. The  
23 department or society may dispose of the animal in any lawful and humane manner as if it were the  
24 rightful owner. If after 14 days the officer or the officer's department determines that charges  
25 should be filed under this section, the officer shall petition the court.

26 3 New Paragraphs; Cruelty to Animals; Livestock. Amend RSA 644:8 by inserting after  
27 paragraph IV-a the following new paragraphs:

28 IV-b.(a) Any person charged with cruelty to animals under RSA 644:8 paragraphs III or III-  
29 a concerning livestock may have his or her livestock confiscated by the arresting officer. No animal  
30 shall be confiscated unless a person is charged under this section, except when there is probable

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1 cause to believe the livestock's life is in imminent danger. The investigating officer for a case  
2 involving livestock as defined in RSA 427:38, III shall be accompanied by the state veterinarian or  
3 designee in person or by video who shall determine whether there is probable cause to believe that  
4 the livestock should be confiscated. Any person not charged within 7 days of having their livestock  
5 confiscated shall have them returned.

6 (b) A person charged under this section may petition the court to seek an examination of  
7 the livestock by a veterinarian licensed under RSA 332-B of his or her choice at the expense of the  
8 person charged. The person charged shall be made aware of such right in writing by the arresting  
9 officer.

10 (c) Courts shall give cases in which livestock have been confiscated by an arresting  
11 officer priority on the court calendar. In cases in which livestock have been confiscated by an  
12 arresting officer or his or her agency, a status hearing shall be held by the court within 14 days of  
13 the confiscation of the livestock.

14 (d) Any person with proof of sole ownership or co-ownership of the livestock confiscated  
15 by an arresting officer in a livestock cruelty case and who is not a defendant or party of interest in  
16 the criminal case may petition the court for temporary custody of the livestock. The court shall give  
17 such person priority for temporary custody of the livestock if the court determines it is in the best  
18 interest of the livestock's health, safety, and wellbeing.

19 (e) No custodian of the livestock confiscated under this section shall spay or neuter or  
20 otherwise permanently alter the confiscated livestock in his or her custody pending final disposition  
21 of the court case unless a treating veterinarian deems such procedure necessary to save the life of  
22 the livestock or the owner of the livestock agrees in writing to the procedure or treatment. If the  
23 treating veterinarian believes that livestock which has been confiscated is in a state of suffering and  
24 that the cost to alleviate the suffering will exceed the amount of allowable reimbursement as set by  
25 Agr 3504.01(c)(8), unless the owner pays for the care, the animal shall be euthanized.

26 (f) Upon a person's conviction of cruelty to animals regarding livestock, the court shall  
27 dispose of the confiscated livestock in any manner it decides except in a case in which the confiscated  
28 livestock is owned or co-owned by persons other than the defendant. If the defendant does not have  
29 an ownership interest in the confiscated livestock, the court shall give priority to restoring full  
30 ownership rights to any person with proof of ownership if the court determines that such is in the  
31 best interest of the livestock's health, safety, and wellbeing. If the confiscated livestock is co-owned  
32 by the defendant, the court shall give priority to transferring the defendant's interest in the property  
33 to the remaining owner or co-owners equitably if the court determines that such is in the best  
34 interest of the livestock's health, safety, and wellbeing.

35 (g) The costs to provide the confiscated livestock with humane care and adequate and  
36 necessary veterinary services, if any, incurred in boarding and treating the livestock, pending  
37 disposition of the case, and in disposing of the livestock upon a conviction of said person for cruelty

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1 to animals regarding livestock, shall be borne by the person so convicted in accordance with rules  
2 adopted by the department of agriculture, markets, and food.

3 (h) Any donations raised using the stories or likenesses of the animals in protective  
4 custody shall be used to offset the cost of care of such animals.

5 IV-c.(a) Except as provided in RSA 644:8, IV(b), any appropriate law enforcement officer or  
6 municipal animal control officer may take into temporary protective custody any livestock when the  
7 owner or caretaker is not present and there is probable cause to believe that it has been or is being  
8 abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger  
9 to the livestock's health or life and there is not sufficient time to obtain a court order. Such officer  
10 shall leave a written notice indicating the type and number of livestock taken into protective  
11 custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to  
12 have the livestock returned and any other relevant information. Such notice shall be left at the  
13 location where the livestock was taken into custody. The officer shall provide for proper care and  
14 housing of any livestock taken into protective custody under this paragraph. Unless charges have  
15 been filed or a warrant establishing probable cause has been issued, the livestock shall be returned  
16 to the owner or their designee or caretaker upon request. If, after 7 days, the livestock has not been  
17 returned or claimed, the officer shall petition the municipal or district court seeking either  
18 permanent custody or a one-week extension of custody or shall file charges under this section. If a  
19 week's extension is granted by the court and after a period of 14 days the livestock remains  
20 unclaimed, the title and custody of the livestock shall rest with the officer on behalf of the officer's  
21 department. The department may dispose of the livestock in any lawful and humane manner as if it  
22 were the rightful owner. If after 14 days the officer or the officer's department determines that  
23 charges should be filed under this section, the officer shall petition the court. An owner of livestock  
24 taken into protective custody shall have the right as referenced in subparagraph IV(b).

25 (b) For purposes of subparagraph (a) the investigating officer for livestock, as defined  
26 RSA 427:38, III, shall be accompanied by the state veterinarian or their designee in person or by  
27 video who shall set the probable cause criteria for taking the livestock.

28 (c) In cases where one or more lactating livestock is confiscated, proof shall be provided  
29 by the confiscating party to the attending veterinarian and the owner or caretaker that proper care  
30 and facilities shall be provided for adults and offspring. No lactating livestock shall be separated  
31 from its non-weaned offspring unless such separation is authorized by a licensed veterinarian.

32 (d) No person, other than the state veterinarian or their designee, or an employee of a  
33 government agency with jurisdiction to investigate violations of this section, and which is conducting  
34 an investigation under this section, may take part during any investigation into a complaint  
35 conducted pursuant to this section. No person who may be called upon to take custody of any  
36 livestock seized as a result of a complaint under this section may participate in the decision to seize  
37 any livestock.

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

7 (f) No custodian of livestock in temporary protective custody under this section shall  
8 spay or neuter or otherwise permanently alter the confiscated livestock in his or her custody pending  
9 final disposition of the court case unless a treating veterinarian deems such procedure necessary to  
10 save the life of the livestock or the owner of the livestock agrees in writing to the procedure or  
11 treatment. If the treating veterinarian believes that livestock which has been confiscated is in a  
12 state of suffering and that the cost to alleviate the suffering will exceed the amount of allowable  
13 reimbursement as set by Agr 3504.01(c)(8) unless the owner pays for the care, the animal shall be  
14 euthanized.

15 4 Veterinarian Assistant. Amend RSA 644:8, V to read as follows:

16 V. A veterinarian licensed to practice in the state ***and the state veterinarian or their***  
17 ***designee*** shall be held harmless from either criminal or civil liability for any decisions made for  
18 services rendered under the provisions of this section or RSA 435:11-16. Such a veterinarian ***or***  
19 ***designee*** is, therefore, under this paragraph, protected from a lawsuit for his ***or her*** part in an  
20 investigation of cruelty to animals.

21 5 State Veterinarian; Powers. Amend RSA 436:8 to read as follows:

22 436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of  
23 the powers of the commissioner and shall have general charge of the enforcement of this chapter.  
24 Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of  
25 domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement  
26 agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is  
27 located or kept. At the request of the local law enforcement agency, animal control officer, state  
28 police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the  
29 provisions of and investigating said complaints. [~~In the event the commissioner becomes~~  
30 ~~incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of~~  
31 ~~that office during any such incapacity or until any such vacancy is filled. The commissioner may~~  
32 ~~direct the state veterinarian to act for him or her in an official capacity whenever he or she may be~~  
33 ~~absent from his or her duties.]~~

34 6 Repeal. RSA 644:8, IV-a(b), relative to livestock confiscation, is repealed.

35 7 Effective Date. This act shall take effect January 1, 2027.

2026-0985h

AMENDED ANALYSIS

This bill provides procedures for the potential confiscation of livestock involved in cruelty to animal cases.