

Amendment to HB 1766-FN

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

2

3 IV-b.(a) Any person charged with cruelty to animals under RSA 644:8 paragraphs III or III-a
4 concerning livestock may have his or her livestock confiscated by the arresting officer. No animal
5 shall be confiscated unless a person is charged under this section, except when there is probable
6 cause to believe the livestock's life is in imminent danger. The investigating officer for a case
7 involving livestock as defined in RSA 427:38, III shall be accompanied by the state veterinarian or
8 designee, to include New Hampshire department of agriculture, markets, and food staff, or a
9 licensed veterinarian, or other qualified staff from an animal shelter facility approved by the state
10 veterinarian, in person or by video who shall determine whether there is probable cause to believe
11 that the livestock should be confiscated. Livestock confiscated without a warrant where a charge
12 has not been filed shall be returned within 10 days.

13 (b) The department of justice shall develop a form to be distributed to any person
14 charged with cruelty to animals under RSA 644:8, paragraphs III or III-a, concerning livestock. The
15 form shall inform the person of their right to have the confiscated livestock examined by a
16 veterinarian licensed under RSA 332-B, chosen by the person charged, at the person's expense.

17 (c) Courts shall give cases in which livestock have been confiscated by an arresting
18 officer priority on the court calendar, as outlined in RSA 644:8, IV(a)(3).

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

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22 IV-c.(a) Except as provided in RSA 644:8, IV(b), any appropriate law enforcement officer or
23 municipal animal control officer may take into temporary protective custody any livestock when the
24 owner or caretaker is not present and there is probable cause to believe that it has been or is being
25 abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger
26 to the livestock's health or life and there is not sufficient time to obtain a court order. Such officer
27 shall leave a written notice indicating the type and number of livestock taken into protective
28 custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to
29 have the livestock returned and any other relevant information. Such notice shall be left at the
30 location where the livestock was taken into custody. The officer shall provide for proper care and
31 housing of any livestock taken into protective custody under this paragraph. For any livestock
32 confiscated without a warrant where a charge has not been filed, the confiscated livestock shall be

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1 returned within 10 days. If, after 10 days, the livestock has not been returned or claimed, the officer
2 shall petition the municipal or district court seeking either permanent custody or a one-week
3 extension of custody or shall file charges under this section. If a week's extension is granted by the
4 court and after a period of 14 days the livestock remains unclaimed, the title and custody of the
5 livestock shall rest with the officer on behalf of the officer's department. The department may
6 dispose of the livestock in any lawful and humane manner as if it were the rightful owner. If after
7 14 days the officer or the officer's department determines that charges should be filed under this
8 section, the officer shall petition the court. An owner of livestock taken into protective custody shall
9 have the right as referenced in subparagraph IV(b).

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11 Amend RSA 644:8, IV-c(d) as inserted by section 3 of the bill by replacing it with the following:

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13 (d) No person, other than the state veterinarian or their designee, or an employee of a
14 government agency with jurisdiction to investigate violations of this section, and which is conducting
15 an investigation under this section, may take part during any investigation into a complaint
16 conducted pursuant to this section. No person who may be called upon to take custody of any
17 livestock seized as a result of a complaint under this section may participate in the decision to seize
18 any livestock. The act of making or forwarding a complaint does not make a person part of an
19 investigation and does not render that person ineligible to take animals into custody.

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21 Amend RSA 644:8, IV-c(f) as inserted by section 3 of the bill by replacing it with the following:

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