

Floor Amendment to HB 1709-FN

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

2

3 AN ACT prohibiting certain unlawfully present felons from occupying or renting real property  
4 and providing procedures for the potential confiscation of livestock involved in  
5 cruelty to animal cases.

6

7 Amend the bill by replacing all after section 1 with the following:

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9 2 Cruelty to Animals. Amend RSA 644:8, IV(a)(1) to read as follows:

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

13 3 Cruelty to Animals. Amend RSA 644:8, IV-a(a) to read as follows:

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

32 4 New Paragraphs; Cruelty to Animals; Livestock. Amend RSA 644:8 by inserting after  
33 paragraph IV-a the following new paragraphs:

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

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

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

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

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

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

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1 (g) The costs to provide the confiscated livestock with humane care and adequate and  
2 necessary veterinary services, if any, incurred in boarding and treating the livestock, pending  
3 disposition of the case, and in disposing of the livestock upon a conviction of said person for cruelty  
4 to animals regarding livestock, shall be borne by the person so convicted in accordance with rules  
5 adopted by the department of agriculture, markets, and food.

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

8 IV-c.(a) Except as provided in RSA 644:8, IV(b), any appropriate law enforcement officer or  
9 municipal animal control officer may take into temporary protective custody any livestock when the  
10 owner or caretaker is not present and there is probable cause to believe that it has been or is being  
11 abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger  
12 to the livestock's health or life and there is not sufficient time to obtain a court order. Such officer  
13 shall leave a written notice indicating the type and number of livestock taken into protective  
14 custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to  
15 have the livestock returned and any other relevant information. Such notice shall be left at the  
16 location where the livestock was taken into custody. The officer shall provide for proper care and  
17 housing of any livestock taken into protective custody under this paragraph. For any livestock  
18 confiscated without a warrant where a charge has not been filed, the confiscated livestock shall be  
19 returned within 10 days. If, after 10 days, the livestock has not been returned or claimed, the officer  
20 shall petition the municipal or district court seeking either permanent custody or a one-week  
21 extension of custody or shall file charges under this section. If a week's extension is granted by the  
22 court and after a period of 14 days the livestock remains unclaimed, the title and custody of the  
23 livestock shall rest with the officer on behalf of the officer's department. The department may  
24 dispose of the livestock in any lawful and humane manner as if it were the rightful owner. If after  
25 14 days the officer or the officer's department determines that charges should be filed under this  
26 section, the officer shall petition the court. An owner of livestock taken into protective custody shall  
27 have the right as referenced in subparagraph IV(b).

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

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

35 (d) No person, other than the state veterinarian or their designee, or an employee of a  
36 government agency with jurisdiction to investigate violations of this section, and which is conducting  
37 an investigation under this section, may take part during any investigation into a complaint

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1 conducted pursuant to this section. No person who may be called upon to take custody of any  
2 livestock seized as a result of a complaint under this section may participate in the decision to seize  
3 any livestock. The act of making or forwarding a complaint does not make a person part of an  
4 investigation and does not render that person ineligible to take animals into custody.

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

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

19 5 Veterinarian Assistant. Amend RSA 644:8, V to read as follows:

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

25 6 State Veterinarian; Powers. Amend RSA 436:8 to read as follows:

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

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1       7 Repeal. RSA 644:8, IV-a(b), relative to livestock confiscation, is repealed.

2       8 Effective Date.

3           I. Section 1 of this act shall take effect 60 days after its passage.

4           II. The remainder of this act shall take effect January 1, 2027.

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2026-1978s

AMENDED ANALYSIS

This bill:

I. Prohibits certain unlawfully present aliens with prior felony convictions from occupying or renting real property and authorizes sheriffs to arrest such individuals during service of a writ of possession.

II. Provides procedures for the potential confiscation of livestock involved in cruelty to animal cases.