

HB 1766-FN - AS INTRODUCED

2026 SESSION

26-2839

08/09

HOUSE BILL ***1766-FN***

AN ACT relative to cruelty to livestock.

SPONSORS: Rep. Comtois, Belk. 7; Rep. J. Aron, Sull. 4; Rep. Bixby, Straf. 13

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill prohibits the confiscation of animals from persons suspected of abuse of animals unless such person is charged with cruelty to animals or the animals require temporary protective custody.

This bill also requires the state veterinarian or their designee to accompany an investigating officer when livestock are the subject of a cruelty case in order to set probable cause criteria for the taking of the animal.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to cruelty to livestock.

Be it Enacted by the Senate and House of Representatives in General Court convened:

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

2 IV.(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have his
3 or her animals confiscated by the arresting officer. ***No animal shall be confiscated unless a***
4 ***person is charged under this section, except when there is probable cause to believe the***
5 ***animal's life is in imminent danger. The investigating officer for a case involving livestock***
6 ***as defined in RSA 427:38, III shall be accompanied by the state veterinarian or designee in***
7 ***person or by video who shall determine whether there is probable cause to believe that the***
8 ***animal's life is in imminent danger.***

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

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

17 (4) Any person with proof of sole ownership or co-ownership of an animal confiscated
18 by an arresting officer in an animal 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 animal. The court shall give
20 such person priority for temporary custody of the animal if the court determines it is in the best
21 interest of the animal's health, safety, and wellbeing.

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

28 (6) Upon a person's conviction of cruelty to animals, the court shall dispose of the
29 confiscated animal in any manner it decides except in a case in which the confiscated animal is
30 owned or co-owned by persons other than the defendant. If the defendant does not have an
31 ownership interest in the confiscated animal, the court shall give priority to restoring full ownership

1 rights to any person with proof of ownership if the court determines that such is in the best interest
2 of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by the defendant,
3 the court shall give priority to transferring the defendant's interest in the property to the remaining
4 owner or co-owners equitably if the court determines that such is in the best interest of the animal's
5 health, safety, and wellbeing.

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

11 (8) *The name and address of the owner shall not be publicized until the case*
12 *is adjudicated. Any donations raised using the stories or likenesses of the animals in*
13 *protective custody shall be used only to offset the cost of care of such animals.*

14 2 Confiscation for Temporary Protective Custody of an Animal. RSA 644:8, IV-a is repealed and
15 reenacted to read as follows:

16 IV-a.(a) Except as provided in subparagraph (b) any appropriate law enforcement officer or
17 municipal animal control officer may take into temporary protective custody any animal when the
18 owner or caretaker is not present and there is probable cause to believe that it has been or is being
19 abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger
20 to the animal's health or life and there is not sufficient time to obtain a court order. Such officer
21 shall leave a written notice indicating the type and number of animals taken into protective custody,
22 the name of the officer, the time and date taken, the reason it was taken, the procedure to have the
23 animal returned and any other relevant information. Such notice shall be left at the location where
24 the animal was taken into custody. The officer shall provide for proper care and housing of any
25 animal taken into protective custody under this paragraph. Unless charges have been filed or a
26 warrant establishing probable cause has been issued, the animal or animals shall be returned to the
27 owner or their designee or caretaker upon request. If, after 7 days, the animal has not been
28 returned or claimed, the officer shall petition the municipal or district court seeking either
29 permanent custody or a one-week extension of custody or shall file charges under this section. If a
30 week's extension is granted by the court and after a period of 14 days the animal remains unclaimed,
31 the title and custody of the animal shall rest with the officer on behalf of the officer's department.
32 The department may dispose of the animal in any lawful and humane manner as if it were the
33 rightful owner. If after 14 days the officer or the officer's department determines that charges
34 should be filed under this section, the officer shall petition the court. An owner of an animal taken
35 into protective custody shall have the right as referenced in subparagraph IV(a)(2).

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

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

8 (d) No person, other than an employee of a government agency with jurisdiction to
9 investigate violations of this section, and which is conducting an investigation under this section,
10 may take part in or be present during any investigation into a complaint conducted pursuant to this
11 section. No person who may be called upon to take possession of any animal seized as a result of a
12 complaint under this section may participate in the decision to seize any animal.

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

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

25 3 Veterinarian Assistant. Amend RSA 644:8, V to read as follows:

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

31 4 State Veterinarian; Powers. Amend RSA 436:8 to read as follows:

32 436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of
33 the powers of the commissioner and shall have general charge of the enforcement of this chapter.
34 Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of
35 domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement
36 agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is
37 located or kept. At the request of the local law enforcement agency, animal control officer, state

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1 police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the
2 provisions of and investigating said complaints. [~~In the event the commissioner becomes~~
3 ~~incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of~~
4 ~~that office during any such incapacity or until any such vacancy is filled. The commissioner may~~
5 ~~direct the state veterinarian to act for him or her in an official capacity whenever he or she may be~~
6 ~~absent from his or her duties.]~~

7 5 Effective Date. This act shall take effect January 1, 2027.

LBA
26-2839
12/15/25

**HB 1766-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to cruelty to livestock.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Agriculture, Markets, and Food. The Department was initially contacted on 11/5/25 for a fiscal note worksheet, with follow-up contact made on 12/9/25. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Agriculture, Markets, and Food