

HB 1766-FN - AS AMENDED BY THE HOUSE

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2026 SESSION

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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

AMENDED ANALYSIS

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

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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. Amend RSA 644:8, IV(a)(1) 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, **except for livestock**, confiscated by the arresting officer. ***The confiscation of***
4 ***livestock shall be governed by paragraph IV-b.***

5 2 Cruelty to Animals. Amend RSA 644:8, IV-a(a) to read as follows:

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

24 3 New Paragraphs; Cruelty to Animals; Livestock. Amend RSA 644:8 by inserting after
25 paragraph IV-a the following new paragraphs:

26 IV-b.(a) Any person charged with cruelty to animals under RSA 644:8 paragraphs III or III-
27 a concerning livestock may have his or her livestock confiscated by the arresting officer. No animal
28 shall be confiscated unless a person is charged under this section, except when there is probable
29 cause to believe the livestock's life is in imminent danger. The investigating officer for a case
30 involving livestock as defined in RSA 427:38, III shall be accompanied by the state veterinarian or
31 designee in person or by video who shall determine whether there is probable cause to believe that

1 the livestock should be confiscated. Any person not charged within 7 days of having their livestock
2 confiscated shall have them returned.

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

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

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

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

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

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

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

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

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

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

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

36 (e) In order to protect the integrity of complaint investigations an appropriate law
37 enforcement officer shall require any person or their designated agent called upon to take custody of

1 any livestock seized or to assist during any complaint investigation, to sign a binding nondisclosure
2 agreement intended to protect any shared or confidential information against unauthorized use
3 pending final adjudication or dismissal of such complaint; provided that information may be
4 disclosed only to officials with a need to know who are subject to confidentiality obligations.

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

13 4 Veterinarian Assistant. Amend RSA 644:8, V to read as follows:

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

19 5 State Veterinarian; Powers. Amend RSA 436:8 to read as follows:

20 436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of
21 the powers of the commissioner and shall have general charge of the enforcement of this chapter.
22 Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of
23 domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement
24 agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is
25 located or kept. At the request of the local law enforcement agency, animal control officer, state
26 police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the
27 provisions of and investigating said complaints. [~~In the event the commissioner becomes~~
28 ~~incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of~~
29 ~~that office during any such incapacity or until any such vacancy is filled. The commissioner may~~
30 ~~direct the state veterinarian to act for him or her in an official capacity whenever he or she may be~~
31 ~~absent from his or her duties.]~~

32 6 Repeal. RSA 644:8, IV-a(b), relative to livestock confiscation, is repealed.

33 7 Effective Date. This act shall take effect January 1, 2027.

HB 1766-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT # 2026-0985h)

AN ACT relative to cruelty to livestock.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$165,500	\$245,000	\$248,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	Indeterminable		
County Expenditures	\$0	Indeterminable		
Local Revenue	\$0	Indeterminable		
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill establishes procedures for the confiscation and care of livestock in animal cruelty cases, including requirements for investigation, custody, hearings, and disposition of livestock.

The Department of Agriculture, Markets, and Food states this bill would require the State Veterinarian’s office to respond to and investigate complaints involving livestock, including field investigations, coordination with law enforcement, communication with animal owners, report writing, and follow-up activities. The Department assumes there would be more than 50 calls per week and at least 50 investigations annually, each requiring multiple days of staff time.

The Department states the work required by this bill cannot be absorbed within its existing budget and would require additional staffing and resources. It anticipates needing one (1) Animal Health Technician (SOC 19-4010; start date January 1, 2027) at an estimated cost of \$85,000 in FY 2027 (including vehicle and initial equipment costs), \$84,000 in FY 2028, and

\$87,000 in FY 2029. The Department also anticipates needing one (1) Veterinarian (start date January 1, 2027) at an estimated cost of \$80,500 in FY 2027 and \$161,000 in each FY 2028 and FY 2029. The total for both positions would be \$165,500 in FY 2027, \$245,000 in FY 2028, and \$248,000 in FY 2029. These positions are neither authorized nor funded in this bill. The Department may seek funding in a future biennial budget request.

The Judicial Branch states this bill aligns with existing court processes for animal cruelty cases and therefore does not result in any additional fiscal impact to the Branch.

Lastly, the fiscal impact of this bill on counties and municipalities is indeterminable. Local law enforcement agencies, animal control officers, and other entities may incur costs related to the investigation, transportation, care, and custody of livestock; however, the extent of any such impact will depend on the number and complexity of cases, the duration of custody, and the applicability of cost recovery.

AGENCIES CONTACTED:

Department of Agriculture, Markets, and Food and Judicial Branch