

Amendment to SB 619-FN

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

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

7 (A) *A purpose of the hearing shall be to determine whether the*  
8 *confiscation of the animal or animals was lawful in accordance with paragraph IV-a.*  
9 *Upon such a showing, the court may make a determination of temporary custody that is in*  
10 *the best interest of the animal's health, safety, and wellbeing. If the confiscated animal is*  
11 *co-owned by the defendant, the court may transfer the custody of the animal to the*  
12 *remaining owner or co-owners equitably if the court determines that such is in the best*  
13 *interest of the animal's health, safety, and wellbeing. The court may also address any*  
14 *other matters before it as raised by either party or if it is in the interests of justice. Upon*  
15 *request from either party or by order of the court, this hearing may include the defendant's*  
16 *arraignment. Waiver of the arraignment by the defendant shall not waive the 14 day*  
17 *hearing set forth in this paragraph.*

18 (B) *If the accused fails to appear in court without giving prior notice*  
19 *within 3 days of the hearing date, or, if less than 3 days notice, without evidence of*  
20 *emergent circumstances, the hearing shall take place as scheduled and the court may rule*  
21 *on any matters before it.*