

HB 616-FN - AS AMENDED BY THE HOUSE

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2025 SESSION

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08/09

HOUSE BILL

616-FN

AN ACT relative to the confiscation of animals from persons suspected of or charged with abuse of animals and establishing a committee to study the animal cruelty statutes.

SPONSORS: Rep. J. Aron, Sull. 4; Rep. Comtois, Belk. 7; Rep. Creighton, Hills. 30; Rep. M. Murray, Hills. 37; Sen. Pearl, Dist 17; Sen. Watters, Dist 4

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 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Five

AN ACT relative to the confiscation of animals from persons suspected of or charged with abuse of animals and establishing a committee to study the animal cruelty statutes.

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. ***The investigating officer for a case involving***
4 ***livestock as defined in RSA 427:38, III shall be accompanied by the state veterinarian or***
5 ***their designee who shall set probable cause criteria for the taking of the animal or***
6 ***animals. No animal shall be confiscated unless a person is charged under this section,***
7 ***except when the officer believes that the animal's life is in imminent danger.***

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

12 (3) ***If a person is charged under this section and is presented with any***
13 ***document to sign, the arresting officer shall explain the document to the person and the***
14 ***person shall affirm that they understand the document they are signing.***

15 [~~(3)~~] (4) Courts shall give cases in which animals have been confiscated by an
16 arresting officer priority on the court calendar. In cases in which animals have been confiscated by
17 an arresting officer or his or her agency, a status hearing shall be held by the court within 14 days of
18 the confiscation of the animals.

19 [~~(4)~~] (5) Any person with proof of sole ownership or co-ownership of an animal
20 confiscated by an arresting officer in an animal cruelty case and who is not a defendant or party of
21 interest in the criminal case may petition the court for temporary custody of the animal. The court
22 shall give such person priority for temporary custody of the animal if the court determines it is in the
23 best interest of the animal's health, safety, and wellbeing.

24 [~~(5)~~] (6) No custodian of an animal confiscated under this section shall spay or
25 neuter or otherwise permanently alter the confiscated animal in his or her custody pending final
26 disposition of the court case unless a treating veterinarian deems such procedure necessary to save
27 the life of the animal ***or the owner of the animal agrees in writing to the procedure or***
28 ***treatment. If the treating veterinarian determines the animal is in a state of extreme***
29 ***suffering, the animal may be euthanized.***

[6] (7) Upon a person's conviction of cruelty to animals, the court shall dispose of the confiscated animal in any manner it decides except in a case in which the confiscated animal is owned or co-owned by persons other than the defendant. If the defendant does not have an ownership interest in the confiscated animal, the court shall give priority to restoring full ownership rights to any person with proof of ownership if the court determines that such is in the best interest of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by the defendant, the court shall give priority to transferring the defendant's interest in the property to the remaining owner or co-owners equitably if the court determines that such is in the best interest of the animal's health, safety, and wellbeing.

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

(9) No confiscated animal or animals shall be used in any manner to solicit donations or to raise funds by any individual or organization that has protective custody of the animal or animals prior to a conviction for abuse or neglect under this section.

2 Confiscation of Animal. RSA 644:8, IV-a is repealed and reenacted to read as follows:

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

should be filed under this section, the officer shall petition the court. An owner of an animal taken into protective custody shall have the right as referenced in subparagraph IV(a)(2).

(b) For purposes of subparagraph (a) the investigating officer for livestock, as defined in RSA 427:38, III, shall be accompanied by a veterinarian licensed under RSA 332-B or the state veterinarian who shall set the probable cause criteria for taking the animal or animals.

(c) In cases where one or more lactating animals are confiscated, proof shall be provided by the confiscating party to the attending veterinarian and the owner or caretaker that proper care and facilities shall be provided for adults and offspring. No lactating animal shall be separated from its non-weaned offspring and vice versa.

(d) No person who has initiated an animal welfare complaint may take part in or be present during any investigation into such complaint, unless the complainant is an employee of a governmental agency. No person who may be called upon to take possession of any animal seized as a result of a complaint under this section may have taken part in the decision to seize any animal.

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

(f) The confiscation of any animal or animals without the charging of the owner or caretaker, or without a warrant specifying probable cause, under paragraph IV shall be theft by unauthorized taking under RSA 637:3.

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

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

V. A veterinarian licensed to practice in the state *and any individual requested to provide assistance by law enforcement or the state veterinarian* shall be held harmless from either criminal or civil liability for any decisions made for services rendered under the provisions of this section or RSA 435:11-16. Such a veterinarian *or assisting individual* is, therefore, under this paragraph, protected from a lawsuit for his part in an investigation of cruelty to animals.

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

436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of the powers of the commissioner and shall have general charge of the enforcement of this chapter.

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1 Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of
2 domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement
3 agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is
4 located or kept. At the request of the local law enforcement agency, animal control officer, state
5 police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the
6 provisions of and investigating said complaints. ~~[In the event the commissioner becomes~~
7 ~~incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of~~
8 ~~that office during any such incapacity or until any such vacancy is filled. The commissioner may~~
9 ~~direct the state veterinarian to act for him or her in an official capacity whenever he or she may be~~
10 ~~absent from his or her duties.]~~

11 5 New Paragraph; Assessing Applications Under the Cost of Care Fund; Use for Livestock.
12 Amend RSA 437-B:1 by inserting after paragraph III the following new paragraph:

13 III-a. Applications for reimbursement for the care of livestock shall demonstrate to the
14 commissioner that the livestock were seized properly according to statute with assurance that
15 individuals with experience and professional knowledge in the care of the type of livestock seized
16 were consulted and that proper due process was afforded to the animal owner.

17 6 Committee Established. There is established a committee to study review RSA 644:8 and RSA
18 644:8-a through 644:8-g to identify elements to clarify, reorganize, and update these sections.

19 7 Membership and Compensation.

20 I. The members of the committee shall be as follows:

21 (a) Three members of the house of representatives, appointed by the speaker of the
22 house of representatives.

23 (b) One member of the senate, appointed by the president of the senate.

24 II. Members of the committee shall receive mileage at the legislative rate when attending to
25 the duties of the committee.

26 8 Duties. The committee shall:

27 I. Review RSA 644:8 and RSA 644:8-a through 644:8-g and address the following:

28 (a) Are these statutes consistent with current regulatory needs and practices?

29 (b) Are there overlapping, redundant, outdated, or conflicting statutes in RSA 644:8 and
30 RSA 644:8-a through 644:8-g?

31 (c) Do any statutes need to be transferred from one chapter to another for clarity and
32 consistency?

33 II. Work with agencies involved in the enforcement of RSA 644:8 and RSA 644:8-a through
34 644:8-g.

35 III. Identify any other issues that may be needed to fulfill the mission of this committee.

36 9 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
37 among the members. The first meeting of the committee shall be called by the first-named house

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1 member. The first meeting of the committee shall be held within 45 days of the effective date of this
2 section. Three members of the committee shall constitute a quorum.

3 10 Report. The committee shall report its findings and any recommendations for proposed
4 legislation to the speaker of the house of representatives, the president of the senate, the house
5 clerk, the senate clerk, the governor, and the state library on or before November 1, 2025.

6 11 Effective Date.

7 I. Sections 1 - 5 of this act shall take effect January 1, 2026.

8 II. The remainder of this act shall take effect upon its passage.

HB 616-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0999h)

AN ACT relative to the confiscation of animals from persons suspected of or charged with abuse of animals and establishing a committee to study the animal cruelty statutes.

FISCAL IMPACT: This bill does not provide funding.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$40,000	\$80,000	\$80,000
<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**

METHODOLOGY:

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.

The Department of Agriculture, Markets & Food estimates this bill would require investigation of approximately 50 complaints statewide per year. Each investigation is expected to take between one full workday for simple cases and several hundred staff hours for more complex cases. On average, investigations are estimated to require 2.5 workdays each, totaling approximately 100 workdays per year.

Since current staff cannot absorb this additional workload, and no designee is expected to take on these responsibilities, the Department anticipates the need for a contracted veterinarian to perform these duties. Contracted relief veterinarians typically earn \$1,000 per day in practice, but for this work, an estimated contract rate of \$750 per day is assumed. Based on 100 workdays, personnel costs would total approximately \$75,000 annually.

Travel is also a significant factor, with an estimated 150 miles per complaint for site visits, court appearances, and meetings with law enforcement. At 50 complaints per year, this results in 7,500 total miles. Using the current reimbursement rate of \$0.67 per mile, travel costs would amount to approximately \$5,025 per year.

In total, the Department estimates an annual cost of approximately \$80,000 to cover personnel and travel expenses per a fiscal year. With an effective date of January 1, 2025, the estimated cost in FY 2026 is for one-half of the year.

AGENCIES CONTACTED:

Department of Agriculture, Markets and Food