11Mar2026... 0985h
04/23/2026 1432s
21May2026... 2129EBA

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

AMENDED ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

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

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

IV-a.(a) Except as provided in subparagraphs (b) and (c) any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal***, except for livestock, which shall be governed by paragraph IV-b,*** when 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. 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 or society. The department or society 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.

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

IV-b.(a) Any person charged with cruelty to animals under paragraph III or III-a concerning livestock may have his or her livestock confiscated by the arresting officer. No animal shall be confiscated unless a person is charged under this section, except when there is probable cause to believe the livestock's life is in imminent danger. The investigating officer for a case involving livestock as defined in RSA 427:38, III shall be accompanied by the state veterinarian or designee, to include New Hampshire department of agriculture, markets, and food staff, or a licensed veterinarian, or other qualified staff from an animal shelter facility approved by the state veterinarian, in person or by video, who shall determine

whether there is probable cause to believe that the livestock should be confiscated. Livestock confiscated without a warrant where a charge has not been filed shall be returned within 10 days.

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

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

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

(e) No custodian of the livestock confiscated under this section shall spay or neuter or otherwise permanently alter the confiscated livestock 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 livestock or the owner of the livestock agrees in writing to the procedure or treatment. If the treating veterinarian believes that livestock which has been confiscated is in a state of suffering and that the cost to alleviate the suffering will exceed the amount of allowable reimbursement as set by Agr 3504.01(c)(8), unless the owner pays for the care, the animal shall be euthanized.

(f) Upon a person's conviction of cruelty to animals regarding livestock, the court shall dispose of the confiscated livestock in any manner it decides except in a case in which the confiscated livestock is owned or co-owned by persons other than the defendant. If the defendant does not have an ownership interest in the confiscated livestock, 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 livestock's health, safety, and wellbeing. If the confiscated livestock 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 livestock's health, safety, and wellbeing.

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

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

IV-c.(a) Except as provided in RSA 644:8, IV(b), any appropriate law enforcement officer or municipal animal control officer may take into temporary protective custody any livestock 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 livestock'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 livestock taken into protective custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to have the livestock returned, and any other relevant information. Such notice shall be left at the location where the livestock was taken into custody. The officer shall provide for proper care and housing of any livestock taken into protective custody under this paragraph. For any livestock confiscated without a warrant where a charge has not been filed, the confiscated livestock shall be returned within 10 days. If, after 10 days, the livestock 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 livestock remains unclaimed, the title and custody of the livestock shall rest with the officer on behalf of the officer's department. The department may dispose of the livestock 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 livestock taken into protective custody shall have the right as referenced in subparagraph IV(b).

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

(c) In cases where one or more lactating livestock is 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 livestock shall be separated from its non-weaned offspring unless such separation is authorized by a licensed veterinarian.

(d) No person, other than the state veterinarian or their designee, or an employee of a government agency with jurisdiction to investigate violations of this section, and who is conducting an investigation under this section, may take part during any investigation into a complaint conducted pursuant to this section. No person who may be called upon to take custody of any livestock seized as a result of a complaint under this section may participate in the decision to seize any livestock. The act of making or forwarding a complaint does not make a person part of an investigation, and does not render that person ineligible to take animals into custody.

(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 custody of any livestock 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) No custodian of livestock in temporary protective custody under this section shall spay or neuter or otherwise permanently alter the confiscated livestock 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 livestock or the owner of the livestock agrees in writing to the procedure or treatment. If the treating veterinarian believes that livestock which has been confiscated is in a state of suffering and that

the cost to alleviate the suffering will exceed the amount of allowable reimbursement as set by Agr 3504.01(c)(8), unless the owner pays for the care or surrenders the animal outright or for care by an animal shelter facility, the animal shall be euthanized.

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

V. A veterinarian licensed to practice in the state ***and the state veterinarian or their designee*** 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 designee*** is, therefore, under this paragraph, protected from a lawsuit for his ***or her*** part in an investigation of cruelty to animals.

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

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

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

VETOED June 19, 2026 / Veto Sustained August 19, 2026

LBA
26-2839
04/24/2026

HB 1766-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT # 2026-1432s)

AN ACT relative to cruelty to livestock.

FISCAL IMPACT:

The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

Department of Agriculture, Markets and Food