

HB 616-FN - AS INTRODUCED

2025 SESSION

25-0601

08/09

HOUSE BILL            **616-FN**

AN ACT                relative to the confiscation of animals from persons suspected of or charged with abuse of animals.

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

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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.

*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)(1)-(2) 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            (2) A person charged under this section may petition the court to seek an  
8 examination of the animals by a veterinarian licensed under RSA 332-B of his or her choice at the  
9 expense of the person charged. ***The person charged shall be made aware of this petition in***  
10 ***writing by the arresting officer.***

11           2 New Subparagraph; Alteration of Confiscated Animals Prohibited. Amend RSA 644:8, IV(a)  
12 by inserting after subparagraph (7) the following new subparagraph:

13           (8) Prior to a conviction for abuse or neglect under this section, no confiscated  
14 animal shall be altered without the notarized authorization of the owner from whom the animal was  
15 confiscated. Nor shall such animal or animals be used in any manner to solicit donations or to  
16 fundraise by any individual or organization.

17           3 Confiscation of Animal. Amend RSA 644:8, IV-a to read as follows:

18           IV-a.(a) Except as provided in [~~subparagraphs (b) and (e)~~] ***subparagraph (b)*** any  
19 appropriate law enforcement officer[~~]~~ ***or*** animal control officer[~~, or officer of a duly licensed humane~~  
20 ~~society]~~ may take into temporary protective custody any animal when there ***the owner or***  
21 ***caretaker is not present and*** is probable cause to believe that it has been or is being abused or  
22 neglected in violation of paragraphs III or III-a when there is a clear and imminent danger to the  
23 animal's health or life and there is not sufficient time to obtain a court order. Such officer shall  
24 leave a written notice indicating the type and number of animals taken into protective custody, the  
25 name of the officer, the time and date taken, the reason it was taken, the procedure to have the  
26 animal returned and any other relevant information. Such notice shall be left at the location where  
27 the animal was taken into custody. The officer shall provide for proper care and housing of any  
28 animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been  
29 returned or claimed, the officer shall petition the municipal or district court seeking either  
30 permanent custody or a one-week extension of custody or shall file charges under this section. If a

1 week's extension is granted by the court and after a period of 14 days the animal remains unclaimed,  
2 the title and custody of the animal shall rest with the officer on behalf of the officer's department [~~or~~  
3 ~~society~~]. The department [~~or society~~] may dispose of the animal in any lawful and humane manner  
4 as if it were the rightful owner. If after 14 days the officer or the officer's department determines  
5 that charges should be filed under this section, the officer shall petition the court. ***An owner of an***  
6 ***animal taken into protective custody shall have the right to have the animal examined by a***  
7 ***veterinarian licensed under RSA 332-B of his or her choice at the expense of the owner.***

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

12 [~~(c)(1) For purposes of subparagraph (a), for facilities licensed to conduct live running or~~  
13 ~~harness horseracing or live dog racing pursuant to RSA 284, the appropriate law enforcement officer,~~  
14 ~~animal control officer, or officer of a duly licensed humane society shall:~~

15 (A) ~~Notify the director of the pari-mutuel commission of the circumstances~~  
16 ~~arising under subparagraph (a);~~

17 (B) ~~Enter the grounds of the facility with the director of the pari-mutuel~~  
18 ~~commission or such person designated by the director of the pari-mutuel commission;~~

19 (C) ~~Take such horses or dogs into temporary protective custody as determined by~~  
20 ~~the director of the pari-mutuel commission or such person designated by the director of the pari-~~  
21 ~~mutuel commission; and~~

22 (D) ~~Comply with subparagraph (a) after taking a horse or dog from a facility~~  
23 ~~licensed pursuant to RSA 284 into temporary protective custody.~~

24 (2) ~~This paragraph shall not preempt existing or enforcement authority of the pari-~~  
25 ~~mutuel commission, pursuant to RSA 284 or rules and regulations adopted pursuant to such~~  
26 ~~authority.]~~

27 (c) ***In cases where one or more lactating animals are confiscated, proof shall be***  
28 ***provided by the confiscating party to the attending veterinarian and the owner or***  
29 ***caretaker that proper care and facilities shall be provided for adults and offspring.***

30 (d) ***No person, natural or otherwise, who has initiated an animal welfare***  
31 ***complaint may take part in or be present during any investigation into such complaint. No***  
32 ***person, natural or otherwise, who may be called up on to take possession of any animal***  
33 ***seized as a result of a complaint under this section may take part in or be present during***  
34 ***any such investigation.***

35 (e) ***The confiscation of an animal without the charging of the owner under***  
36 ***paragraph IV or the determination that the animal or animals shall be taken into***

1 *temporary protective custody under this paragraph shall be theft by unauthorized taking*  
2 *under RSA 637:3.*

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

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

9 436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of  
10 the powers of the commissioner and shall have general charge of the enforcement of this chapter.  
11 Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of  
12 domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement  
13 agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is  
14 located or kept. At the request of the local law enforcement agency, animal control officer, state  
15 police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the  
16 provisions of and investigating said complaints. ~~[In the event the commissioner becomes~~  
17 ~~incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of~~  
18 ~~that office during any such incapacity or until any such vacancy is filled. The commissioner may~~  
19 ~~direct the state veterinarian to act for him or her in an official capacity whenever he or she may be~~  
20 ~~absent from his or her duties].~~ *No livestock as defined in RSA 427:38, III shall be confiscated*  
21 *or taken into protective custody without the recommendation of the state veterinarian or*  
22 *their designee.*

23 5 Effective Date. This act shall take effect January 1, 2026.

**HB 616-FN- FISCAL NOTE**  
 AS INTRODUCED

AN ACT relative to the confiscation of animals from persons suspected of or charged with abuse of animals.

**FISCAL IMPACT:** This bill does not provide funding.

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	\$80,000	\$80,000	\$80,000
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$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 designees are 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 starting in FY 2026.

**AGENCIES CONTACTED:**

Department of Agriculture, Market and Foods