

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

1208

2007 HOUSE AGRICULTURE

HB 1208

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1208

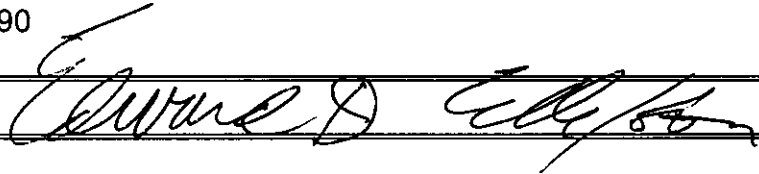
House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: 01/18/07

Recorder Job Number: 1390

Committee Clerk Signature



Minutes:

CHAIRMAN JOHNSON: Committee Members, we will open on HB. 1208

Bill 1208 is relating to the penalty for inhumane treatment of animals.

CHAIRMAN JOHNSON: Representative DeKrey

REPRESENTATIVE DEKREY: The way the bill came about I have some producers

That are kind of upset with what they see what is going on the right and left and the country on some of the ways Agriculture is being restricted and how we manage our business. My attempt with this legislation was to get something in code that kind of states What we believe is proper Agriculture practices that are acceptable. That was my intent Last part of the bill is the penalty section. What that would do on a second offense if You are found to be in violation of Board of Health on the second offence you can Charged with a Class "C" felony. What we found in my committee yesterday Is that there is a big problem with that penalty because when we talk about the board of Animal health those are administrative rules and normally do put criminal penalties On something that would be an administrative rule. That would be more then a fine Or a sanction or something like that from the board so I would say that has to come

Out of the bill or it has to be reworked because the way our bill is right now is I don't Think the bill is proper. With that I stand for questions.

REPRESENTATIVE MUELLER: That last comment of yours? Is any part of this in the Last page subsection 102 is we going to have problems.

REPRESENTATIVE DEKREY: I don't think, if you pass the bill the way it is I hope you Don't have a problem with enforcement. The problem we would be putting a criminal Sanction on what would normally be a fine from the Board of Animal Health if you were deemed to be mistreating your animals. Normally we have not done that in the past. That is something we in the legislator don't put in criminal penalties for rules that are written in the administrative code. The administrative agencies right there own Rules for there own agencies. They decide how they are going to deal with violators of there own rules.

REPRESENTATIVE MUELLER: If we adopt this bill and it becomes the law of the Land, it is no longer an administrative rule is it?

DEKREY: The Board of Animal Health is who is going to be righting he bill. What we would do if you passed the bill with the penalty section we would be setting a president. We don't need anymore bill with administrative rules.

CHAIRMAN JOHNSON: Other questions? Any others in support of HB 1208?

KAREN THONSLELLE: We support HB 1208. Minot, ND, I have been a witness to animal cruelty, mostly domestic violence. A baby moose was beaten to death. We should send message to youth.

CHAIRMAN JOHNSON: Any questions or additional testimony in favor of bill?

SUSAN J. KELLER, DVD State Veterinarian, Agriculture Committee. Chairman Johnson And members of the agriculture committee, I am State Veterinarian. Susan Keller.

I am here today on behalf of the State Board of animal health and the North Dakota Department Of Agriculture in support of overall intent of HB 1208, which increases the penalty provision under 36-21.1-11, associated with inhumane treatment of animals. The bill also lists certain activities which are exempt from being considered 'cruel or torture'.

[[Please see attached testimony of Susan Keller.]]

CHAIRMAN JOHNSON: Questions committee members.

REPRESENTATIVE BELTER: What is the penalty for a class 'A' misdemeanor?

SUSAN: The penalty for a class "A" misdemeanor is one year in prison and a \$1,000.00 fine. For a class B misdemeanor is five years in prison and a \$5,000.00 dollar fine.

CHAIRMAN JOHNSON: Other testimony.

WADE MOSER: We support the bill. Maybe it needs to be clearer. We like the increased penalty. We could look at other bills and maybe combine them. Put the bills together.

CHAIRMAN JOHNSON: Questions?

CHAIRMAN JOHNSON: OPPOSITION TO HB 1208

ERIC AASMUNDSTAD: I am from the Devils Lake area. I am also President of the North Dakota Farm Bureau. I am here in opposition to HB 1208. We can't disagree With the intent of the bill We need to change the law needs to be made before Agriculture In N.D. can survive this bill? The penalty language in this bill is seemingly is sensible may carry consequences for Ag. In N.D we must be very careful that Ag. Is not played into the hands of the animal welfare sales lots and HB 1208 can do just that. Currently the century code states no person can keep an animal in any enclosure with out exercise. Every live stock Facility could be subject to the penalty contained in this bill. We IN N.D. say it can't happen Here. This is an Ag. state. Well it can happen and it will happen. It has happened in other states. They have gone into Arizona & Indiana. In Indiana a 4-H student could not tie up a heifer

or a steer. That is what they have done. Most ranchers that I know won't rest until they have taken care of there cattle. The principals of animal husbandry are not under stood by every one and especially not the radical animal welfare organizations. The groups include the Humane Society of the US and the farm sanctuary people. They would have you believe that animal agriculture, in of itself, is cruel and inhumane. This can not be confused with the Humane Society that deals with cruelty to dogs and cats. This is a different group. The people in Arizona are who have decimated the animal agriculture industry. Also, it pretty much put the hog and the dairy out of business in the state of Arizona. They are in Colorado and we think here in ND we are nest after they are done with Colorado. The folks in Arizona spent 1.1 million dollars to fight the ballot measure and it lost.

Current confinement hog and dairy operation in the state of Arizona are not legal. We know that there are other bills out there that try to accomplish the same thing that Bill HB 1208 does. We think that by combining the language in these bills and work through this in a thought full process we can get to where we want to be to take off the abuse of animals while protecting the biggest industry in the state.

Representative Brandenburg: Looking at the financial report, this looks like Hollywood is coming to ND. They have one hundred and seventy-two million dollars in assets that are all tax deductible.

Eric: That is right and that is only one group. This is millions and millions of dollars. There sole purpose from an agriculture perspective is to put us out of business. Some time ago the Chairman of the Farm sanctuary spoke at the conference. They had him so that we could see where the other side was coming from. After he was done speaking, one of our staff members said it sounds like you want to put farmers in jail. The man, sober face, said before a bunch of dairy farmers, it

is my life's work to put every one of you in prison. That is what we are dealing with. This would surely cripple the industry.

Representative Onstad; Go to line 20, dies that cover the part? It does not include any show, fair, competition, performance or parade. Would that not cover your 4-H?

Eric; I believe it would. What we really need to do is, we need to go into the section of the code that I mentioned 36-21.1 02 03 and get that language out. It says that no person may keep any animals in any enclosure without exercise and wholesome change of air. We know they need air, we know they need exercise. How do we define it and at what level? We believe that normal husbandry practice and size base management systems should not be precluded by that section of the code. This bill does not do that and like I said, "I think by taking parts of this bill out, that will work along with some other bills that are coming and combining them, I think we can accomplish our purpose here.

Vice Chairwoman Kingsbury: I would like to address Mr. Aasmundstads defense. We have actually used the section 36-21.102-8 for legislation one time when a lady was living in a trailer house before we passed this bill. We were able to take those cats so that we could tell the judge that there was not wholesome change of air. It was so bad we could not stand to be there. No body could deal with the paddies problem, which was rally sad in this case. Another thing, who is going to be determining you are right, to intermit the situation?

Chairman Johnson: Close the hearing on HB 1208.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1208

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: 2/2/07

Recorder Job Number: 2675

Committee Clerk Signature

Edward D. Elson

Minutes:

Chairman Johnson: Asked for a motion for HB 1208.

Representative Froelich made a do not pass motion.

Representative Boe seconded the motion.

Roll call vote was 9 yes, 0 no, 4 absents.

Floor assignment is Rep. Boe.

Hearing closed for HB1208.

Date: Feb 2, 07
Roll Call Vote #: HB 1206

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

House Agriculture

Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not pass

Motion Made By Froelich Seconded By Boe

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	✓		Tracy Boe	✓	
Vice Chair Joyce Kingsbury	✓		Rodney Froelich	✓	
Wesley Belter	✓		Phillip Mueller		
Mike Brandenburg	✓		Kenton Onstad		
Craig Headland	✓		Benjamin Vig	✓	
Brenda Heller					
John D Wall					
Gerry Uglem	✓				

Total (Yes) 9 No 0

Absent 4

Floor Assignment Boe

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 2, 2007 1:52 p.m.

Module No: HR-23-2009
Carrier: Boe
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1208: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO NOT PASS (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1208 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

HB 1208

Roger Johnson
AGRICULTURE COMMISSIONER

Dr. Susan Keller
STATE VETERINARIAN

Dr. Beth Carlson
DEPUTY STATE VETERINARIAN

Nathan Boehm, Mandan
PRESIDENT
DAIRY CATTLE

Paula Swenson, Walcott
SECRETARY
SHEEP

Dr. Charlie Stollenow, Fargo
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Dr. W.P. Tidball, Beach
VETERINARIAN

Dr. Kenneth Throlson, New Rockford
BISON

Shawn Schafer, Turtle Lake
NONTRADITIONAL LIVESTOCK

**Testimony of Susan J. Keller, DVM
State Veterinarian
House Bill 1208
Agriculture Committee
Peace Garden Room
January 18, 2007**

Chairman Johnson and members of the Agriculture Committee, I am State Veterinarian Susan Keller. I am here today on behalf of the State Board of Animal Health and the North Dakota Department of Agriculture in support of the overall intent of HB 1208, which increases the penalty provision under 36-21.1-11, associated with inhumane treatment of animals. The bill also lists certain activities which are exempted from being considered 'cruel' or 'torture'.

Our office receives many inhumane treatment of animal complaints throughout the year. It has been frustrating to know that repeat violators would receive no more of a maximum penalty than that imposed on them as a first time offender. A great deal of staff time and resources is spent documenting and investigating inhumane treatment allegations. If an investigation provides valid evidence that inhumane treatment has/is occurring and legal action is taken, it will help serve as a deterrent for 'some' violators, to know that continuing violations will be met with a more severe penalty. Penalties, although a deterrent, are not necessarily the solution to some of

the more difficult cases we have dealt with in North Dakota. Resolving some inhumane treatment complaints, can require the confiscation or removal of the animals.

The additional list of activities and actions that are exempted is to help further identify normal accepted production and customary practices, but hopefully would not preclude action if warranted within those listed activities. There are many unforeseen circumstances and situations associated with inhumane treatment of animals and many varying opinions on what is and what is not inhumane. It is my understanding that the entities under NDCC §36-21 will still be left to determine whether or not the allegation of inhumane treatment is valid under each unique set of circumstances. It often takes multiple agencies to help resolve some of the more difficult cases.

Chairman Johnson and committee members, for the above reasons we support the intent of HB1208. I would be happy to answer any questions.

**A Blueprint for
Drafting Strengthening Amendments
to
State Animal Cruelty Laws**

Prepared by
The Humane Society of the United States
Government Affairs
Updated October, 2004

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Anticruelty Law Provisions

Laws exist in all states prohibiting cruel treatment of animals; many are strong while others provide the bare minimum of protection, and some have gaping loopholes. The Humane Society of the United States (HSUS) urges enactment of felony level penalties for convicted animal abusers, along with several associated components that are essential for a strong, comprehensive anti-cruelty law. This document provides examples of various provisions to consider when crafting and amending a cruelty law, that are critical to animal protection efforts.

This document provides 14 sections, each with a different component that should be included in a strong animal cruelty law. Below each issue is a full list of states that have included a version of that issue in their law as well as excerpts from noteworthy provisions from various states. These provisions can be used as model language to strengthen other state laws. However, every state differs in how its laws are read and enforced. For example Oregon, Washington, and Michigan are often considered as having the best state anticruelty laws, although there may be different language that would serve other states more effectively. (This is the case for many of the statutes listed in this document. Please be sure to craft language specifically for your state. Contact the HSUS Government Affairs Department for additional assistance.)

The HSUS encourages states to enact felony-level penalties because deliberate animal abuse is a serious crime and should be treated as such. Note: some states have relatively effective laws that do not contain felony penalties. And not all states with felony provisions have otherwise strong laws. The ideal situation is to have a felony-level penalty, well-written language in a statute that clearly prohibits all forms of mistreatment, and a strong commitment to enforcement of the law coupled with a judicial system that takes these crimes seriously.

If you have additions or clarifications or would like further information on anticruelty laws (including full copies of the laws), please contact Government Affairs, The HSUS, 2100 L Street, NW, Washington, DC 20037; 202-955-3661.

1. GENERAL CRUELTY PROHIBITION WITH FELONY LEVEL PENALTIES

The following 41 states and the District of Columbia have provisions in their cruelty statutes that allow for prosecution of animal cruelty as a felony under certain circumstances.

Alabama	Indiana	Nebraska	Pennsylvania
Arizona	Iowa	Nevada	Rhode Island
California	Louisiana	New Hampshire	South Carolina
Colorado	Maine	New Jersey	Tennessee
Connecticut	Maryland	New Mexico	Texas
Delaware	Massachusetts	New York	Vermont
D.C.	Michigan	North Carolina	Virginia
Florida	Minnesota	Ohio	Washington
Georgia	Missouri	Oklahoma	Wisconsin
Illinois	Montana	Oregon	

In general, there are two types of animal cruelty: (1) intentionally causing pain, suffering, and death; and (2) neglecting to provide adequate food, water, shelter, and care. In both instances, the animals suffer. However, in many cases of neglect, there is no intent to harm the animals. In abuse cases, clearly the perpetrator intended to cause harm. Deliberate cruelty should be a felony offense---but in order to prosecute some cases, misdemeanor charges should also be an option. A good approach is to distinguish between levels of cruelty (i.e., animal neglect is a misdemeanor and animal abuse is a felony). The HSUS also recommends making a second offense of animal neglect and other misdemeanor offenses a felony. The first time such an offense occurs may have been a mistake, but the second time is inexcusable.

LISTED BELOW ARE SOME OF THE BEST PROVISIONS

Maryland -- Ann Code 27, § 59 - Cruelty to Animals

(b) Prohibitions

(1) A person may not:

- (i) Overdrive or overload an animal;
- (ii) Deprive an animal of necessary sustenance;
- (iii) Cause, procure, or authorize an act prohibited in item (i) or item (ii) of this paragraph;
- (iv) With the charge or custody of an animal, as owner or otherwise:
 1. Inflict unnecessary suffering or pain on the animal; or
 2. Unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather; or

(v) Knowingly attend a deliberately conducted dogfight as a spectator.

- (2) A person who violates this subsection is guilty of a misdemeanor and is subject to: ...

(c) Mutilation, torture, dogfight, cockfight, etc.

(1) A person may not:

- (i) Intentionally mutilate, torture, cruelly beat, or cruelly kill an animal;
- (ii) Cause, procure, or authorize an act described in item (i) of this paragraph;
- (iii) Use or allow a dog to be used in or arrange or conduct a dogfight;
- (iv) Use or allow to be used a bird, fowl, or cock to fight with another animal, commonly known as cockfighting; or

(v) Except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

(2) A person who violates this subsection is guilty of the felony of aggravated cruelty to animals and on conviction is subject to.....

- (i) Imprisonment not exceeding 3 years or a fine not exceeding \$ 5,000 or both; and
- (ii) Psychological counseling, as a condition of sentence, that is to be paid for by the defendant.

Oregon -- ORS 167.315 to 167.330, Sec. 2

- (1) A person commits the crime of aggravated animal abuse in the first degree if the person:
 - (a) Maliciously kills an animal; or
 - (b) intentionally or knowingly tortures an animal.
- (2) Aggravated animal abuse in the first degree is a Class C felony.
- (3) As used in this section, "maliciously" means intentionally acting with a depravity of mind and reckless and wanton disregard of life.

Michigan -- Act No. 328 of the Public Acts of 1981 Sec. 750.1 to 750.568, 50b

A person who willfully, maliciously and without just cause or excuse kills, tortures, mutilates, maims, or disfigures an animal or who willfully and maliciously and without just cause or excuse administers poison to an animal, or exposes an animal to any poisonous substance, other than a substance that is used for therapeutic veterinary medical purposes, with the intent that the substance be taken or swallowed by the animal, is guilty of a felony, punishable by imprisonment for not more than 4 years, or by a fine of not more than \$5,000, or community service for not more than 500 hours, or any combination of these penalties.

North Carolina -- § 14-360

(B) If any person shall maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender shall for every such offense be guilty of a Class I felony. However, nothing in this section shall be construed to increase the penalty for cockfighting provided for in G.S. 14-362.

(C) As used in this section, the words 'torture', 'torment', and 'cruelly' include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word 'intentionally' refers to an act committed knowingly and without justifiable excuse, while the word 'maliciously' means an act committed intentionally and with malice or bad motive. As used in this section, the term 'animal' includes every living vertebrate except human beings.

Washington -- RCW 16.52

Sec. 8 1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering, or forces a minor to inflict unnecessary pain, injury, or death on an animal.

2) Animal cruelty in the first degree is a class C felony.

Sec. 9 1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.

2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence: a) fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or b) abandons the animal.

3) Animal cruelty in the second degree is a misdemeanor.

4) In any prosecution of animal cruelty in the second degree, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence that the defendant's failure was due to economic distress beyond the defendant's control.

HSUS NOTE: When updating your state's animal cruelty law be cautious not to eliminate any protection that the animals currently have. Make sure that there are felony level and misdemeanor penalties available for killing an animal. Additionally, death should not be a requirement for felony prosecution. With recent advances in medicine many more animals are likely to survive horrible cruelty, and the assailant should not go unpunished.

2. PENALTIES

Maximum penalties should be of sufficient length and amount to deter an offender. Louisiana law punishes a person convicted of cruelty with up to 10 years of hard labor in prison; several states including Florida, Georgia, Maine, Missouri, Oregon, Oklahoma, Vermont, and Washington allow sentences of up to five years prison; Oregon and Georgia law set a maximum \$100,000 fine and fines in Arizona can be as high as \$150,000. Colorado sets a minimum fine, or surcharge, of up to \$400 and also sets a minimum fine of \$500 for a first offense, and \$1,000 for a second or subsequent offense. Regardless of the amount, moneys from the surcharge should be placed in an Animal Cruelty Prevention Fund, similar to what Colorado has legislated.

Louisiana -- R.S. 14:102.1

3) Whoever commits the crime of aggravated cruelty to animals shall be fined not less than \$1,000 nor more than \$25,000 dollars or imprisoned, with or without hard labor, for not less than one year nor more than 10 years, or both.

4) For purposes of this subsection, in which more than one animal is tortured, maimed, mutilated, or maliciously killed, each act comprises a separate offense.

Oregon -- ORS 167.310, 167.335, 167.345 and 167.350

A person committing the crime of aggravated animal abuse shall be punished by maximum imprisonment of five years, \$100,000 fine, or both.

Colorado - 18-9-201.7

Animal cruelty prevention fund---control of fund---repeal. (1) There is hereby established in the office of the state treasurer the animal cruelty prevention fund, referred to in this part 2 as the "Fund." The Fund shall consist of all moneys paid as a surcharge as provided in section 18-9-202(2)(a.5)(I). [Also, see section 4 of this document.] This statute is automatically repealed on July 1, 2005.

3 EXEMPTIONS

The state cruelty code should apply to all animals and the HSUS opposes exemptions to cruelty statutes. They are unnecessary, as the judicial system can dismiss frivolous suits. However, if language must be included to exempt certain groups, we urge adoption of language such as: "Unless gross negligence can be shown," or "unless excessive or intentional pain is inflicted, the following practices are exempt from the state cruelty law...." The Oregon law is the best existing example of language that does not allow for blanket exemptions to the statute. (Sec. 4 ORS 167.335)

"Unless gross negligence can be shown, the provisions of ORS 167.315 to 167.330 shall not apply to:"

A modifier to "accepted practices," a common exemption, should be added so that the practices are "accepted" by a majority of people in a community, not just those involved in the practice, i.e., the language should be "practices commonly accepted by the entire community." Explicit language should accompany exemptions. For example, while research facilities may be exempt, they should only be exempt when operating in accordance with the Federal Animal Welfare Act and regulations, 7 U.S.C., Section 2136.

All animals should be covered in a state's cruelty law, either by the definition of the word "animal" or by the cruelty law's specific language. Maryland is a good example of a law that specifically includes all non-human animals.

Maryland - Ann. Code art. 27, § 59

(a) Legislative intent. It is the intent of the General Assembly that all animals be protected from intentional cruelty if they are:

- (1) Privately owned;
- (2) Strays;
- (3) Domesticated;
- (4) Feral;
- (5) Farm animals;
- (6) Corporately or institutionally owned;
- (7) In privately, locally, State, or federally funded scientific or medical activities; or
- (8) Otherwise located in the State.

HSUS NOTE: *In many states, farm animals may be exempt from protection under the law; however, in 1998 New Mexico enacted a law specifically covering only them. A person who is found guilty of willfully and maliciously poisoning, killing or injuring livestock (cattle, sheep, buffalo, horses, mules, goats, swine and ratites) is guilty of a fourth degree felony. Nevada specifically provides that anyone who willfully and maliciously kills livestock without authority is guilty of a felony. For more information on farm animal protection please contact the HSUS.*

4. PSYCHOLOGICAL COUNSELING

The following 24 states have provisions in their cruelty statutes that address psychological counseling.

Arkansas	Michigan	Rhode Island
California	Minnesota	Tennessee
Colorado	Nevada	Texas
Florida	New Jersey	Utah
Illinois	New Mexico	Vermont
Iowa	Ohio	Virginia
Maine	Oregon	Washington
Maryland	Pennsylvania	West Virginia

Psychological counseling is a useful tool for preventing future violence from occurring. The courts should have the power to order this type of treatment at the abuser's expense. California, Colorado and Iowa mandate psychological evaluations and/or counseling. The California statute mandates counseling for those convicted of animal cruelty. Several other states allow the court to order psychological counseling for an adult, but mandate psychological counseling for a juvenile.

Listed below are some of the best provisions.

Mandatory Laws:

California – Section 1. Section 597

(g) Notwithstanding any other provision of law, if a defendant is granted probation for a conviction under this section, the court shall order the defendant to pay for, and successfully complete, counseling, as determined by the court, designed to evaluate and treat behavior or conduct disorders. If the court finds that the defendant is financially unable to pay for that counseling, the court may develop a sliding fee schedule based upon the defendant's ability to pay. An indigent defendant may negotiate a deferred payment schedule, but shall pay a nominal fee if the defendant has the ability to pay the nominal fee.

County mental health departments or Medi-Cal shall be responsible for the costs of counseling required by this section only for those persons who meet the medical necessity criteria for mental health managed care pursuant to Section 1830.205 of Title 7 of the California Code of Regulations or the targeted population criteria specified in Section 5600.3 of the Welfare and Institutions Code. The counseling specified in this subdivision shall be in addition to any other terms and conditions of probation, including any term of imprisonment and any fine. This provision specifies a mandatory additional term of probation and is not to be utilized as an alternative in lieu of imprisonment in the state prison or county jail when such a sentence is otherwise appropriate. If the court does not order custody as a condition of probation for a conviction under this section, the court shall specify on the court record the reason or reasons for not ordering custody. This subdivision shall not apply to cases involving police dogs or horses as described in Section 600.

Colorado – 18-9-202, Title 18

(II) In addition to the sentence imposed pursuant to subparagraph (I) of this paragraph (a.5), any person convicted of committing cruelty to animals pursuant to subsection (1) of this section, the underlying factual basis of which has been found by the

court to include the knowing or intentional torture or torment of an animal that needlessly injures, mutilates, or kills an animal, may be ordered to complete an anger management treatment program or any other appropriate treatment program.

(III) The court shall order an evaluation to be conducted prior to sentencing to assist the court in determining an appropriate sentence. The person ordered to undergo an evaluation shall be required to pay the cost of the evaluation, unless the person qualifies for a public defender, then the cost will be paid by the judicial district. If the evaluation results in a recommendation of treatment and if the court so finds, the person shall be ordered to complete an anger management treatment program or any other treatment program that the court may deem appropriate.

(IV) "....."

(V) In addition to any other sentence imposed upon a person for a violation of any criminal law under this title, any person convicted of a second or subsequent conviction for any crime, the underlying factual basis of which has been found by the court to include an act of cruelty to animals, shall be required to pay a mandatory minimum fine of \$1,000 and shall be required to complete an anger management treatment program or any other appropriate treatment program.

Section 3. 19-2-907

(1) Upon completion of the sentencing hearing, pursuant to section 19-2-906, the court shall enter a decree of sentence or commitment imposing any of the following sentences or combination of sentences, as appropriate:

(k) Ordering the juvenile to complete an anger management treatment program or any other appropriate treatment program, as provided in section 19-2-918-.5

[Note: similar language exists identical to that printed above that only applies to juveniles.]

Iowa -- Section 717B.3A -- Animal Torture

The following shall apply to a person who commits animal torture:

(1) For the first conviction, the person is guilty of an aggravated misdemeanor. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the evaluation and treatment shall be paid by the person.

(2) For a second or subsequent conviction, the person is guilty of a class "D" felony. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the psychological evaluation and treatment shall be paid by the person.

Mandatory for Juveniles:

Maine -- §1031 Cruelty to Animal

3G. The court as part of the sentence may order, as a condition of probation, that the defendant be evaluated to determine the need for psychiatric or psychological counseling and, if it is determined appropriate by the court, to receive psychiatric or psychological counseling at the defendant's expense. If the defendant is a juvenile, the court shall order

that the juvenile receive psychiatric or psychological counseling. The parents or guardian of the juvenile, if they are able, shall pay for the counseling.

Texas -- §54.0407 Cruelty to Animals – Counseling Required

If a child is found to have engaged in delinquent conduct constituting an offense under Section 42.09, Penal Code, the juvenile court shall order the child to participate in psychological counseling for a period to be determined by the court.

Non-Mandatory Laws--Counseling At The Discretion Of The Court:

Maryland -- Article 27, Sec. B

(2) As a condition of sentence for a person convicted under paragraph (1) of this subsection, a court may order the person to participate in psychological counseling that is to be paid for by the person.

Michigan -- Sec. 712A.181, Evaluation of juvenile for psychiatric or psychological treatment; court order. 1 Act No. 32 of the Public Act of 1981

If a juvenile is found to be within the court's jurisdiction under section 2(a)(1) of this chapter for an offense that, if committed by an adult, would be a violation of section 50b of the Michigan penal code, 1931 PA 328, MCL 750.50b, having to do with cruelty to animals, ... the court shall order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, the court may order that treatment. This section does not preclude the court from entering any other order of disposition allowed under this chapter.

Minnesota -- Statutes 1988, Sec. 343.21

Subd. 10. If the evidence indicates lack of proper and reasonable care of the animal...the court may limit the person's further possession or custody of the animal and other pet or companion animals, and may impose other conditions the court considers appropriate, including but not limited to ...(4) requiring the person to receive behavioral counseling.

New Mexico -- Section 30-18-1 NMSA 1978

(F) The court may order a person convicted for committing cruelty to animals to participate in an animal cruelty prevention program or an animal cruelty education program. The court may also order a person convicted for committing cruelty to animals or extreme cruelty to animals to obtain psychological counseling for treatment of a mental health disorder if, in the court's judgment, the mental health disorder contributed to the commission of the criminal offense. The offender shall bear the expense of participating in an animal cruelty prevention program, animal cruelty education program or psychological counseling ordered by the court.

Oregon -- Sec. 6 ORS 167.35

(4) A court may order a person convicted under ORS 167.315 to 167.330 and 167.340 to participate in available animal cruelty programs or education programs, or both, or to obtain psychological counseling or treatment of mental health disorders that, in the court's judgment, contributed to the commission of the crime. The person shall bear any costs

incurred by the person for participation in counseling or treatment programs under this subsection.

Vermont

(b) In addition to any other sentence the court may impose, the court may require a defendant convicted of a violation under section 352 or 352a of this title to:

(4) Participate in available animal cruelty prevention programs or educational programs, or both, or obtain psychiatric or psychological counseling, within a reasonable distance from the defendant's residence. If a juvenile is adjudicated delinquent under section 352 and 352a of the title, the court may order the juvenile to undergo a psychiatric or psychological evaluation and to participate in treatment that the court determines to be appropriate after due consideration of the evaluation. The court may impose the costs of such programs or counseling upon the defendant when appropriate.

Virginia -- Chapter 209: §3.1-796.122.

(E) In addition to the penalties provided in subsection A, the court may, in its discretion, require any person convicted of a violation of subsection A to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

Washington -- Sec. 14. RCW 16.52.200 and 1987 c 335 s 2

(6) As a condition of the sentence imposed under this chapter or RCW 9.08.070, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

Nevada -- NRS Chapter 62

ec. 3 (1) In addition to the options set forth in NRS 62.211 and 62.213, if a child is adjudicated delinquent for an act that involves cruelty to or torture of an animal, the court shall order the child to participate in counseling or other psychological treatment.

Note: Nevada's counseling provisions apply only to children found guilty of animal cruelty. This particular provision is found in the statutes regarding the use of firearms by children, not the statute on animal cruelty.

The following 12 states have a provision for counseling in their general sentencing guidelines:

Arizona
Connecticut
Indiana
Kansas

Kentucky
Louisiana
New Hampshire
North Carolina

North Dakota
Oklahoma
South Carolina

5. COMMUNITY SERVICE

The following seven states have provisions in their cruelty statutes that address community service.

Iowa
Louisiana
Michigan
Minnesota

Nevada
New Jersey
Rhode Island

In some cases, it is believed to be beneficial to require an abuser to do community service work, including possible work for a local animal shelter. This kind of program works best for relatively young, first-time offenders, especially if their families are also involved. The HSUS does not support broad-based laws mandating all animal cruelty offenders take part in such a program at animal shelters or other animal facilities. Often, resentment for the animals can grow, and they may be tempted to cause more harm to the animals.

The following states include language for community service work under their animal cruelty code.

Louisiana -- 14:102.1

(b) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended.

Michigan -- 750.50

(4) A person who violates subsection (2) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000 or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution. A person who violates subsection (2) on a second occasion is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000 or community service for not more than 300 hours, or any combination of these penalties and the cost of prosecution. A person who violates subsection (2) on a third or subsequent occasion is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000 or community service for not more than 500 hours, or any combination of these penalties and the cost of prosecution.

Minnesota -- 343.21

The court may limit the person's further possession or custody of pets or companion animals, and may impose other conditions the court considers appropriate, including, but not limited to: (3) requiring performance by the person of community service in a humane facility.

New Jersey -- 4:22-17

....the court (1) shall impose a term of community service of up to 30 days, and may direct that the term of community service be served in providing assistance to the New Jersey Society for the Prevention of Cruelty to Animals, a district (county) society for the prevention of cruelty to animals, or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality's animal control or animal population control program.

Rhode Island -- 4-1-5

.....any person convicted under the provisions of this section shall be required to serve 10 hours of community service. The community service penalty shall not be suspended or deferred and shall be mandatory.

Note: The following states have a provision for community service in their general sentencing guidelines:

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii

Indiana
Iowa
Kansas
Kentucky
Maine
Massachusetts
Missouri
Montana
Nebraska
Nevada
New Mexico

New Hampshire
North Carolina
Oklahoma
Oregon
South Carolina
South Dakota
Tennessee
Vermont
Washington
West Virginia
Wyoming

6. RESTITUTION--ECONOMIC

Some states include a provision in their animal cruelty statute for restitution. This type of provision allows the judge to sentence an offender to pay the owner of an animal for any economic loss and/or damages incurred due to the offender's actions. These damages may include veterinary bills and cremation. Illinois, Arizona, and New Mexico provide for restitution if the animal was a service animal.

Wisconsin -- 951.18

A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane society or county or municipal pound or a law enforcement officer, for any pecuniary loss suffered by the person as a result of the crime, including expenses in keeping any animal that is involved in the crime. This requirement applies regardless of whether the criminal violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the criminal violator to pay and shall determine the method of payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.

Ohio -- 1717.11

A person guilty of cruelty to an animal which is the property of another shall be liable to the owner of the animal in damages, in addition to the penalties prescribed by law.

Rhode Island -- 4-1-5

Every person who shall cut out the tongue or otherwise dismember any animal maliciously, or maliciously kill or wound any animal, or maliciously administer poison to or expose any poisonous substance with intent that the same shall be taken or swallowed by any animal, or who shall maliciously expose poisoned meat with intent that it be taken or swallowed by any wild animal, shall be imprisoned not exceeding 2 years or be fined not exceeding \$1,000, and shall moreover, in the case of any animal of another, be liable to the owner of such animal for triple damages, to be recovered by civil action.

Louisiana - R.S. 14:67.2 and R.S. 14:67.2(B)(4),

A. Theft of animals is the misappropriation, killing or taking of any animal which belongs to another, either without consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of the animal or an intent to ransom it for the purpose of extorting money or favor is essential.

B. (4) in addition to the foregoing penalties, a person convicted under this section who killed an animal may be ordered to make full restitution to the owner of the animal. Restitution shall be in an amount not less than the value of the animal as determined by subsection c of this section. If a person ordered to make restitution pursuant to this section is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability.

Mississippi -- § 97-41-16

Malicious or mischievous injury to dog; penalty; restitution: (2) In addition to such fine or imprisonment which may be imposed [for cruelty to a dog], the court shall order that

restitution be made to the owner of such dog. The measure for restitution in money shall be the current replacement value of such loss and/or the actual veterinarian fees, special supplies, loss of income and other cost incurred as a result of actions in violation of subsection (1) of this section.

Note: The following states have a provision for restitution in their general sentencing guidelines:

Alabama	Florida	Louisiana	New Mexico
Alaska	Georgia	Maine	North Dakota
Arizona	Hawaii	Maryland	North Carolina
Arkansas	Idaho	Missouri	Ohio
California	Illinois	Nebraska	Oregon
Colorado	Indiana	Nevada	South Dakota
Connecticut	Kansas	New	South Carolina
Delaware	Kentucky	Hampshire	Tennessee

7. RESTITUTION—NON ECONOMIC

The majority of Americans consider companion animals to be part of the family and often valued at far more than the "market cost" often allotted to them in restitution cases. Illinois has a statute specifies that the owner of an animal that is a victim of an act of aggravated cruelty may seek monetary payment for the emotional pain that is suffered by the owner, and for any pain and suffering of the pet. Tennessee legislates that a person is entitled to seek monetary compensation for suffering and loss of companionship in cases where a person's pet has been killed or sustains injuries which result in death caused by the unlawful or negligent act of another or the animal of another. Connecticut enacted a law in 2004 to allow the

Connecticut - House Bill No. 5606 Public Act No. 04-239

An Act Concerning Penalties And The Recovery Of Damages For The Unlawful Killing Or Injuring Of A Companion Animal.

In addition to economic damages sustained by an owner whose companion animal has been intentionally killed or injured, the court may award punitive damages in an amount not to exceed the jurisdictional monetary limit, together with a reasonable attorney's fee. (Effective October 1, 2004):

(a) Any person who steals, confines or conceals any companion animal, or who, with the intention of stealing such animal or concealing its identity or the identity of its owner or with the intention of concealing the fact that the animal is licensed, removes the collar or harness or tag from any licensed animal, or who unlawfully kills or injures any companion animal, shall be fined not more than one thousand dollars or imprisoned not more than six months or both. [, and shall also be liable to the owner in a civil action.] For a second offense, or for an offense involving more than one companion animal, any such person shall be fined not more than two thousand dollars or imprisoned not less than one year nor more than three years or be both fined and imprisoned.

(b) Any person who violates the provisions of subsection (a) of this section shall be liable to the owner in a civil action, except that, if such person intentionally kills or injures any companion animal, such person shall be liable to the owner in a civil action as provided in section 1 of this act.

Illinois -- 510 ILCS 70/16.3 (2001) Civil actions

Any person who has a right of ownership in an animal that is subjected to an act of aggravated cruelty or torture or in an animal that is injured or killed as a result of actions taken by a person who acts in bad faith may bring a civil action to recover the damages sustained by that owner. Damages may include, but are not limited to, the monetary value of the animal, veterinary expenses incurred on behalf of the animal, any other expenses incurred by the owner in rectifying the effects of the cruelty, pain, and suffering of the animal, and emotional distress suffered by the owner. In addition to damages that may be proven, the owner is also entitled to punitive or exemplary damages of not less than \$500 but not more than \$25,000 for each act of abuse or neglect to which the animal was subjected. In addition, the court must award reasonable attorney's fees and costs actually incurred by the owner in the prosecution of any action under this Section. The remedies provided in this Section are in addition to any other remedies allowed by law. In an action under this Section, the court may enter any injunctive orders reasonably necessary to protect animals from any further acts of abuse, neglect, or harassment by a defendant. The statute of limitations for cruelty to animals is 2 years.

Tennessee -- code annotated, title 44, chapter 17, part 4

The trial of fact may find the individual causing the death or the owner of the animal causing the death liable for up to \$4,000 in non-economic damages. The award is limited to compensation for the loss of reasonably expected society, companionship, love and affection of the pet.

8. SEIZURE OF ANIMALS

Animals in danger of harm should be removed immediately from the situation. (Note: it is important that this provision not be perceived as existing in order to punish the alleged abuser but to protect the animal victim.)

California -- Pen. 597 (f)

Upon conviction of a person charged with a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, all animals lawfully seized and impounded with respect to the violation by a peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall be adjudged by the court to be forfeited and shall thereupon be awarded to the impounding officer for proper disposition. A person convicted of a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, shall be liable to the impounding officer for all costs of impoundment from the time of seizure to the time of proper disposition.

Georgia -- § 4-11-9.2.

(c) The commissioner, his or her designated agent, an animal control officer who is an employee of state or local government, or any sheriff, deputy sheriff, or other peace officer is authorized to impound any animal:

- (1) That has not received humane care;
- (2) That has been subjected to cruelty in violation of Code Section 16-12-4 (animal cruelty);
- (3) That is used or intended for use in any violation of Code Section 16-12-37 (dogfighting); or
- (4) If it is determined that a consent order or other order concerning the treatment of animals issued pursuant to this article is being violated.

(d) Prior to an animal being impounded pursuant to paragraph (1), (2), or (3) of subsection (c) of this code section, a licensed accredited veterinarian approved by the Commissioner or a veterinarian employed by a state or federal government and approved by the Commissioner, shall, at the request of the commissioner, his or her designee, an animal control officer, a sheriff, a deputy sheriff, or other peace officer, examine and determine the condition or treatment of the animal.

South Carolina -- §47-150

(A) When complaint is made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been or are being violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, deputy state constable, constable or police officer to search such building or place; but no search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown. If an animal is seized pursuant to this section and the South Carolina Society for the Prevention of Cruelty of Animals, or other society incorporated for that purpose is involved with the seizure, the animal may be held pending criminal disposition of the case at a facility maintained or contracted by that agency.

(B) The purpose of this section is to provide a means by which a neglected or mistreated animal can be:

- (1) removed from its present custody, or
- (2) made the subject of an order to provide care, issued to its owner by the

magistrate or municipal judge, any law enforcement officer, or any agent of the county or of the South Carolina Society for the Prevention of Cruelty to Animals, or any society incorporated for that purpose and given protection and an appropriate and humane disposition made.

(C) Any law enforcement officer or any agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or any society incorporated for that purpose may move before a magistrate for an order to:

(1) lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location if deemed by the court that removal is necessary to prevent further suffering or ill-treatment, or

(2) order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall forthwith petition the magistrate or municipal judge of the county or municipality wherein the animal is found for a hearing, to be set within twenty-four hours after the date of seizure of the animal or issuance of the order to provide care and held not more than two days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal.

(F) The officer or agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, taking charge of an animal as provided for in this section shall provide for the animal...

Vermont – Title 13, Chapter 8, § 354 Enforcement; possession of abused animal; searches and seizures; forfeiture

(b) Any humane officer as defined in section 351 of this title may enforce this chapter. As part of an enforcement action, a humane officer may seize an animal being cruelly treated in violation of this chapter.

(1) Voluntary surrender. A humane officer may accept animals voluntarily surrendered by the owner anytime during the cruelty investigation. The humane officer shall have a surrendered animal examined and assessed within 72 hours by a veterinarian licensed to practice in the state of Vermont.

(2) Search and seizure using a search warrant. A humane officer having probable cause to believe an animal is being subjected to cruel treatment in violation of this subchapter may apply for a search warrant pursuant to the Rules of Criminal Procedure to authorize the officer to enter the premises where the animal is kept and seize the animal. The application and affidavit for the search warrant shall be reviewed and authorized by an attorney for the state when sought by an officer other than an enforcement officer defined in 23 V.S.A. § 4(11). A veterinarian licensed to practice in Vermont must accompany the humane officer during the execution of the search warrant.

(3) Seizure without a search warrant. If the humane officer witnesses a situation in which the humane officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the officer may seize the animal without a warrant. The humane officer shall immediately take an animal seized under this subdivision to a licensed veterinarian for medical attention to stabilize the animal's condition and to assess the health of the animal.

(c) A humane officer shall provide suitable care at a reasonable cost for an animal seized under this section, and have a lien on the animal for all expenses incurred. A humane officer may arrange for the euthanasia of a severely injured, diseased, or suffering animal upon the recommendation of a licensed veterinarian. A humane officer may arrange for euthanasia of an animal seized under this section when the owner is unwilling or unable to provide necessary medical attention required while the animal is in custodial care or when the animal cannot be safely confined under standard housing conditions. An animal not destroyed by euthanasia shall be kept in custodial care until final disposition of the criminal charges except as provided in subsections (d) through (h) of this section. The custodial caregiver shall be responsible for maintaining the records applicable to all animals seized, including identification, residence, location, medical treatment, and disposition of the animals.

(d) If an animal is seized under this section, the state may institute a civil proceeding for forfeiture of the animal in the territorial unit of the district court where the offense is alleged to have occurred. The proceeding shall be instituted by a motion for forfeiture, which shall be filed with the court and served upon the animal's owner.

(e) The court shall set a hearing to be held within 21 days after institution of a forfeiture proceeding under this section. Time limits under this subsection shall not be construed as jurisdictional.

(f) At the hearing on the motion for forfeiture, the state shall have the burden of establishing by clear and convincing evidence that the animal was subjected to cruelty, neglect or abandonment in violation of section 352 or 352a of this title. The court shall make findings of fact and conclusions of law and shall issue a final order. If the state meets its burden of proof, the motion shall be granted and the court shall order the immediate forfeiture of the animal in accordance with the provisions of subsection 353(c) of this title.

(g)(1) If the defendant is convicted of criminal charges under this chapter or if an order of forfeiture is entered against an owner under this section, the defendant or owner shall be required to repay all reasonable costs incurred by the custodial caregiver for caring for the animal, including veterinary expenses.

(2)(A) If the defendant is acquitted of criminal charges under this chapter and a civil forfeiture proceeding under this section is not pending, an animal that has been taken into custodial care shall be returned to the defendant unless the state institutes a civil forfeiture proceeding under this section within seven days of the acquittal.

(B) If the court rules in favor of the owner in a civil forfeiture proceeding under this section and criminal charges against the owner under this chapter are not pending, an animal that has been taken into custodial care shall be returned to the owner unless the state files criminal charges under this section within seven days after the entry of final judgment.

(C) If an animal is returned to a defendant or owner under this subdivision, the defendant or owner shall not be responsible for the costs of caring for the animal.

Washington -- RCW 16.53, Sec. 6

(1) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter and no responsible person can be found to assume the animal's care, the officer may authorize with a warrant, the removal

of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency.

(2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(3) Any owner whose domestic animal is removed pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.

Nevada -- NRS 574.055

1. Any peace officer or officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. When an officer takes possession of an animal, he shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care...

Delaware -- 3 § 7904. Impoundment – This law only deals with specific counties, not the full state.

(a) Any agent in Sussex and New Castle Counties of this State, so appointed by the Delaware Society for the Prevention of Cruelty to Animals, or in Kent County of this state, so appointed by the Kent County Society for the Prevention of Cruelty to Animals, may, in instances of alleged acts of animal cruelty and as provided for by the laws of Delaware relating to seizure of property, impound in the appropriate SPCA shelter or, if required, in an appropriate veterinarian facility, any animal subjected to cruel mistreatment or cruel neglect. Should the owner or custodian of an animal not be available at or near the premises where the animal is located, upon taking an animal under this section the agent shall leave in an appropriate place written notice to the animal's owner or custodian of such action. Societies for the prevention of cruelty to animals shall take all reasonable action to insure that owners or custodians of an animal, impounded under this section, shall have received notice of such action as soon as possible and no later than 24 hours after the impoundment.

(b) An animal impounded under this section shall not remain in the custody of the appropriate Society for the Prevention of Cruelty to Animals longer than 48 hours and shall be returned to its owner or custodian unless a complaint is filed within the 48-hour period in the appropriate court under the animal cruelty laws against the owner or custodian. When a complaint is filed in the appropriate court, the impounded animal shall remain in the custody of the appropriate Society for the Prevention of Cruelty to Animals pending the outcome of the action. If the owner or custodian is found to be in violation of the animal cruelty laws, the court shall make a final determination as to the disposition of the animal.

(c) An owner or custodian of an animal impounded under this section who is found guilty of cruelty to the animal, and the court orders the animal returned to such owner or

custodian, shall, prior to taking the animal, reimburse the appropriate Society for the Prevention of Cruelty to Animals its regular standard fees charged for the care of animals while in the Society's custody, plus any veterinary fees incurred for the animal during the period of impoundment. Failure of the animal's owner or custodian to pay such fees within 5 days after a finding of guilty will result in ownership of the animal reverting to the appropriate SPCA The SPCA may then dispose of the animal in accordance with its procedures for such disposition.

9. REIMBURSEMENT OF COSTS/FINANCIAL BONDING TO COVER COSTS OF HOLDING ANIMALS

The following 17 states have cost reimbursement provisions in their cruelty statutes for the caring of an animal seized in a cruelty case.

California
Colorado
Connecticut
Illinois
Kansas
Louisiana
Maine

Mississippi
Missouri
Montana
Nevada
New Mexico
New Hampshire
New York

Oregon
South Carolina
Tennessee
Vermont
Washington

The costs of caring for animals seized in a cruelty case can be enough to bankrupt any animal control facility or humane society. Many states have laws that allow a facility to put a lien on the animals in order to be reimbursed. A better system requires the abuser to post a bond to cover the costs of caring for the animals. If the owner does not want to provide this money, he or she can choose to relinquish ownership entirely. Cost of care bonding is different from the lien and civil action language and if provides another legal remedy to assist with the costs of caring for seized animals. How it differs is that it permits these costs to be collected before they are incurred (or while they are being incurred), and establishes the ability to adopt out animals before the resolution of the underlying criminal case, if the court bond is not posted by the defendant. When the bond is not posted the animals can be adopted out, thereby relieving the direct burden of the shelters. Some states have set up this system for animal-fighting cases only, such as New York.

Listed below are some of the best provisions.

California Pen. 597(f)

A person convicted of a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, shall be liable to the impounding officer for all costs of impoundment from the time of seizure to the time of proper disposition.

Connecticut § 22-329a(d)

If the court issues an order to place the animal in temporary custody/care pending a hearing, the owner shall either relinquish ownership of the animal or post a security bond or cash bond with the agency or person in whom the animal's temporary care and custody is vested. The security bond or cash bond shall be in the amount of \$450 and shall secure payment for the reasonable expenses of the agency or person having temporary care/custody of the animal until the court makes a finding as to the animal's disposition or for 30 days, whichever comes first. The requirement that a bond be posted may be waived if such owner provides satisfactory evidence that he is indigent and unable to pay for such bond. Depending on court findings, the party that has temporary care/custody of the animal may be required to return the bond in whole or part, calculated at the rate of \$15 per day.

Illinois § 70/3.05 Security for companion animals and animals used for fighting purposes

(a) In the case of companion animals as defined in Section 2.01a or animals used for fighting purposes in violation of Section 4.01 of this act or section 26-5 of the Criminal Code

of 1961, the animal control or animal shelter having custody of the animal or animals may file a petition with the court requesting that the person from whom the animal or animals are seized, or the owner of the animal or animals, be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control or animal shelter in caring for and providing for the animal or animals pending the disposition of the charges. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal or animals for 30 days. The amount of the security shall be determined by the court after taking into consideration all of the facts and circumstances of the case, including, but not limited to, the recommendation of the impounding organization having custody and care of the seized animal or animals and the cost of caring for the animal or animals. If security has been posted in accordance with this section, the animal control or animal shelter may draw from the security the actual costs incurred by the agency in caring for the seized animal or animals.

Kansas -- 21-4311

If the owner/custodian is charged with a violation of cruelty, the board of county commissioners in the county where the animal was taken into custody shall establish and approve procedures whereby the animal shelter may petition the district court to be allowed to place the animal for adoption or euthanize the animal at any time after 20 days after the owner/custodian is notified or, if the owner/custodian is not known or reasonably ascertainable after 20 days after the animal is taken into custody, unless the owner/custodian of the animal files a renewable cash or performance bond with the county treasurer of the county where the animal is being held, in an amount equal to not less than the cost of care and treatment of the animal for 30 days.

Missouri -- 578.018

The owner or custodian of an animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care and keeping for at least 30 days, inclusive of the date on which the animal was taken into custody. The authority having custody of the animal may humanely dispose of the animal at the end of the time for which expenses are covered by the bond or security, unless there is a court order prohibiting such disposition. Additionally, the bond will be in an amount necessary to protect the authority having custody of the animal from any cost of the care, keeping or disposal of the animal.

New Hampshire -- RSA 644:8

The costs, 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.

Oregon -- ORS 167

Sec. 2 (3), (4), (5) If the court finds that probable cause exists, the court shall order immediate forfeiture of the animal to the petitioner, unless the defendant, within 72 hours of the hearing, posts a security deposit or bond with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the petitioner in caring for the animal from the date of initial impoundment to the date of trial. If there is any order of continuance, the defendant is required to post an additional security deposit or bond in an amount determined by the court that shall be sufficient to repay all additional reasonable costs anticipated to be incurred by the petitioner in caring for the animal until the new date of trial. If a security

deposit or bond has been posted, the petitioner may draw from that security deposit or bond the actual reasonable costs incurred by the petitioner in caring for the impounded animal from the date of initial impoundment to the date of final disposition.

Tennessee - Section 39-14-210, is amended with:

(g) Any governmental animal control agency or any humane society, chartered by this state, into whose custody any animal victimized under this part shall be placed, may petition the court requesting that the person from whom the animal is seized, or the owner of the seized animal, be ordered to post security.

Any such security shall be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the governmental animal control agency or the humane society in caring and providing for the animal pending disposition of the criminal charges. Such reasonable expenses shall include, but are not necessarily limited to, the estimated costs of veterinary care and treatment for the animal as well as the estimated costs of boarding and otherwise caring for the animal. The amount of security shall be determined by the court after taking into consideration all of the facts and circumstances of the case. If the posting of security is ordered pursuant to this subsection, then the governmental animal control agency or the humane society may draw from the security the actual costs incurred in caring and providing for the seized animal pending disposition of criminal charges. Nothing in this subsection shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a governmental animal control agency or to a humane society, chartered by the state, in lieu of posting security; and any such voluntary relinquishment shall have no effect on the outcome of the criminal charges.

Vermont - See section 8 on Seizure.

Washington -- Sec. 6 RCW 16.52 and 1987 c 335 s1

(4) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than 15 business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of 30 days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to renew the bond or security for the agency's continuing costs for the animal's care.

10. SUPERVISION OF ANIMALS ON OWNER'S PROPERTY PRIOR TO TRIAL DATE

When numerous animals, or large animals, are involved in a cruelty case, it sometimes can be adequate to keep the animals on the owner's property but under the supervision of those concerned for the animals' welfare.

Florida -- Sec. 828.073

(b) Order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall forthwith petition the county court judge of the county wherein the animal is found for a hearing, to be set within 30 days after the date of seizure of the animal or issuance of the order to provide care and held not more than 15 days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal.

New York -- S.1758-A

(7) Notwithstanding any other provision of this section to the contrary, the court may order a person charged with any violation of this article to provide necessary food, water, shelter and care for any animal which is the basis of the charge, without the removal of the animal from its existing location, until the charges against the person are adjudicated. Until a final determination of the charges is made, any law enforcement officer, officer of a duly incorporated society for the prevention of cruelty to animals, or its authorized agents, shall be authorized to make regular visits to where the animal is being kept to ascertain if the animal is receiving necessary food, water, shelter, and care. Nothing shall prevent any law enforcement officer, officer of a duly incorporated Society for the Prevention of Cruelty to Animals, or its authorized agents, from seizing any animal being held by a person if the animal is not receiving the necessary food, water, shelter, or care.

South Carolina -- Section 47-1-150©(2)

See Section 11 of this document--Forfeiture of Abused Animals/Forfeiture of Other Animals.

11. FORFEITURE OF ABUSED ANIMALS AND PROHIBITIONS ON HAVING CUSTODY OF ANIMALS IN THE FUTURE

The following 17 states have custody forfeiture provisions in their animal cruelty statutes:

Delaware	Minnesota	Tennessee
Hawaii	Montana	Utah
Illinois	Nevada	Vermont
Kansas	New Hampshire	Washington
Maine	Pennsylvania	Wyoming
Michigan	South Carolina	

Once an individual has been convicted, the animal that was abused should not be returned to the abuser. Nor should the abuser be allowed to own additional animals. Listed below are some of the best provisions.

Delaware 3 Del.C. §7907

(d) Any person convicted of a felony violation of this section shall be prohibited from owning or possessing any animal for 15 years after said conviction, except for animals grown, raised or produced within the state for resale, or for sale of a product thereof, where the person has all necessary licenses for such sale or resale, and receives a least 24% of the person's annual gross income from such sale or resale.

(e) A violation of this subsection is subject to a fine in the amount of \$5,000 in any court of competent jurisdiction and to forfeiture of any animal s illegally owned in accordance with the provsions of this 3 Del.C. §7907.

Minnesota 343.21

Subd. 10. If a person is convicted of violating this section, the court may require that a pet or companion animal, as defined in section 346.36, subdivision 6, that is in the custody of the person must be turned over to a peace officer or other appropriate officer or agent if the court determines that the person is unable or unfit to provide adequately for the animal. If the evidence indicates lack of proper and reasonable care of the animal, the burden is on the person to affirmatively demonstrate by clear and convincing evidence that the person is able or fit to have custody of and provide adequately for the animal. The court may limit the person's further possession or custody of the animal and other pet or companion animals, and may impose other conditions the court considers appropriate, including, but not limited to:

- (1) imposing a probation period during which the person may not have ownership, custody, or control of a pet or companion animal;
- (2) requiring periodic visits of the person by an animal control officer or agent appointed pursuant to sec. 343.01, subdivision 1;
- (3) requiring performance by the person of community service in a humane facility; and
- (4) requiring the person to receive behavioral counseling.

Michigan Compiled Laws, 750.1 to 750.568

Sec. 50b (5) As a part of the sentence for a violation of subsection (2), the court may order the defendant not to own or possess an animal for any period of time determined by the court, which may include permanent relinquishment.

(6) A person who owns or possesses an animal in violation of an order issued under subsection (5) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (5) is also subject to the civil and criminal contempt power of the court, and if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days, or by a fine of not more than \$500, or both.

Pennsylvania – PA ST 18 Pa.C.S.A. § 5511

(m) Forfeiture. In addition to any other penalty provided by law, the authority imposing sentence upon a conviction for any violation of this section may order the forfeiture or surrender of any abused, neglected or deprived animal of the defendant to any society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth.

South Carolina - Section 47-1-120

When a person arrested is, at the time of the arrest in charge of an animal, an agent of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, may take charge of the animal and deposit the animal in a safe place of custody or deliver the animal into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody of the animal; and all necessary expenses incurred in taking charge of the animal shall be a lien thereon.

Section 47-1-140: The person making the arrest, with or without warrant, shall use reasonable diligence to give notice to the owner of the animals found in the charge or custody of the person arrested, if the person is not the owner, and shall care and provide properly for the animals. The person making such arrest shall have a lien on the animals for the expense of such care and provision. But if such person making the arrest be an agent of the South Carolina Society for the Prevention of Cruelty to Animals, or other society incorporated for that purpose, the provisions of Section 47-1-120 shall apply in lieu of the provisions of this section. Notwithstanding any other provision of law, an animal may be seized preceding an arrest and pursuant to Section 47-1-150.

Section 47-1-150. (A) When complaint is made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been or are being violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, deputy state constable, constable or police officer to search such building or place; but no search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown. If an animal is seized pursuant to this section and the South Carolina Society for the Prevention of Cruelty of Animals, or other society incorporated for that purpose is involved with the seizure, the animal may be held pending criminal disposition of the case at a facility maintained or contracted by that agency.

(B) The purpose of this section is to provide a means by which a neglected or mistreated animal can be:

(1) removed from its present custody, or

(2) made the subject of an order to provide care, issued to its owner by the magistrate or municipal judge, any law enforcement officer, or any agent of the county or of the South Carolina Society for the Prevention of Cruelty to Animals, or any society incorporated for that purpose and given protection and an appropriate and humane disposition made.

(C) Any law enforcement officer or any agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or any society incorporated for that purpose may move before a magistrate for an order to:

(1) lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location if deemed by the court that removal is necessary to prevent further suffering or ill-treatment, or

(2) order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall forthwith petition the magistrate or municipal judge of the county or municipality wherein the animal is found for a hearing, to be set within 24 hours after the date of seizure of the animal or issuance of the order to provide care and held not more than two days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal. The hearing shall be concluded, and the court order entered the date the hearing is commenced. No fee shall be charged for the filing of the petition. Nothing herein is intended to require court action for the taking into custody and making proper disposition of stray or abandoned animals as lawfully performed by animal control agents.

Maine -- 17 MRSA 1031

The court, as part of the sentence, may prohibit the defendant from owning, possessing or having on the defendant's premises an animal or animals as determined by the court for a period of time, up to and including permanent relinquishment, as determined by the court. A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having an animal or animals on the probationer's premises is subject to revocation of probation and removal of the animal or animals at the probationer's expense if this condition is violated.

Vermont -- See Section 8 on Seizure

12. CROSS REPORTING

When humane workers visit a home to investigate a complaint of animal cruelty, they often spot instances of child or domestic abuse. California law requires humane investigators to report suspected child abuse. Tennessee's animal cruelty law gives the court the ability to notify protective agencies when someone has been convicted of cruelty to animals. Louisiana is one of the best examples.

Louisiana -- R.S. 14:403.6 Reporting of Neglect or Animal Abuse

Any state or local law enforcement officer; or any employee of government or of a government contractor who in his professional capacity routinely investigates alleged abuse or neglect or sexual abuse of a child, or abuse or neglect of an adult under the provisions of R.S. 14:403.2, who becomes aware of evidence of neglect or abuse of an animal, shall report such incident to the law enforcement authority or the governing authority in which the incident has occurred or the local animal welfare authority. The name and identifying information regarding the reporter of animal maltreatment shall be confidential.

No person required to report under the provisions of Subsection A of this section shall knowingly and willfully obstruct the procedures for receiving and investigating a report of abuse or neglect or shall disclose, without authorization, confidential information which was reported.

No person shall make a report required by this section knowing that any information therein is false.

Tennessee -- §39-14-212

(g) If a defendant convicted of a violation of this section resides in a household with minor children or elderly individuals, the court may, within 15 days, send notification of the conviction to the appropriate protective agencies.

California -- Penal Code 11166.

(a) Except as provided in subdivision (b), any child care custodian, health practitioner, employee of a child protective agency, child visitation monitor, firefighter, animal control officer, or humane society officer who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse, shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. A child protective agency shall be notified and a report shall be prepared and sent even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis of reasonable suspicion of sexual abuse.

Connecticut -- 46b-129

(a) Any selectman, town manager, or town, city, or borough welfare department, any probation officer, the Connecticut Humane Society, or the Commissioner of Social Services, the Commissioner of Children and Families or any child-caring institution or agency

approved by the Commissioner of Children and Families, a child or his representative or attorney or a foster parent of a child, having information that a child or youth is neglected, uncared-for or dependent, may file with the Superior Court which has venue over such matter a verified petition plainly stating such facts as bring the child or youth within the jurisdiction of the court as neglected, uncared-for, or dependent, within the meaning of section 46b-120, the name, date of birth, sex, and residence of the child or youth, the name and residence of his parents or guardian, and paying for appropriate action by the court in conformity with the provisions of this chapter.

District of Columbia -- 32-908

The Washington Humane Society is authorized to extend its operations to the protection of children as well as animals from cruelty and abuse. In pursuance thereof, the said Society may cause its proper officers or agents to prefer complaints, before any court in the District of Columbia having jurisdiction, for the violation of any law relating to or affecting the protection of children in said District, and by its proper attorney may aid in bringing the facts before such court in any proceeding taken.

Ohio -- 1717.14

When an officer or agent of the Ohio Humane Society or of a county humane society deems it for the best interest of a child, because of cruelty inflicted upon it or because of its surroundings, that it be removed from the possession and control of the parents or persons having charge of it, such officer or agent may take possession of the child summarily, and upon doing so shall immediately file a complaint in the juvenile court concerning such child. Such court shall have full jurisdiction to deal with such child as provided in sections 2151.01 to 2151.54 of the Revised Code, subject to the prior jurisdiction, if any, which another court may have over such child. As used in this section, "child" means any person less than 18 years of age.

13. VETERINARIAN REPORTING

Veterinarians are often the very first professionals that are given access to abused animals. Often someone in the household, or even the abuser, will want to care for an animal's injuries. Veterinarians should be encouraged to report suspected cases of cruelty without the threat of any legal liability to offenders. West Virginia and California both require reporting and provide immunity from liability. California law doesn't apply to misdemeanor offenses. Minnesota law simply mandates reporting of suspected abuse; Idaho protects licensed veterinarians from criminal or civil liability for cruelty inspection activities.

The following 22 states have statutes regarding veterinary reporting or immunity for veterinarians who report in good faith:

Alabama	Maine	Oregon
Arizona	Maryland	Rhode Island
California	Massachusetts	South Carolina
Connecticut	Michigan	Virginia
Georgia	Minnesota	West Virginia
Idaho	New Jersey	Wisconsin
Illinois	New York	
Kansas	Oklahoma	

California Business and Professional 4830.5 Duty of Veterinarian to Report Dog Injury or Death in Certain Circumstances; No Liability.
Whenever any licensee under this chapter has reasonable cause to believe that a dog has been injured or killed through participation in a staged animal fight, as prescribed in Section 597b of the Penal Code, it shall be the duty of the licensee to promptly report the same to the appropriate law enforcement authorities of the country, city or city and county in which the same occurred. No licensee shall incur any civil liability as a result of making any report pursuant to this section or as a result of making any report of a violation of Section 596, [poisoning animals] subdivision (a) or (b) of Section 597, [anticruelty provisions] or section 597b, 597f, 597g, 597n, or 597.5 of the Penal Code (does not apply to misdemeanor offenses).

Business and Professions Code: Sections 801, 4800, 4804.5, 4832, 4833, 4842.2, 4842.5, 4848, and 4875.4 of, and to add Section 4830. the Business and Professions Code, relating to veterinary medicine, and making an appropriation therefore.

Extends the operation of the provisions establishing the board and authorizing the appointment of an executive officer to July 1, 2009. The bill would require any person licensed under the Veterinary Medicine Practice Act, when the person has reasonable cause to believe an animal under his or her care has been a victim of animal abuse or cruelty, to promptly report the animal abuse or cruelty to the appropriate law enforcement authority.

Idaho Title 25. Animals. 25-3514 Immunity
Any Idaho-licensed veterinarian shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this chapter. Such veterinarian is, therefore, protected from a lawsuit for his part in an investigation of cruelty to animals. Provide, however, that a veterinarian who participates or reports in bad faith or with malice shall not be protected under the provisions of this section.

Minnesota 346.37

Subdivision 6. Reports of abuse, cruelty, or neglect. A veterinarian must report known or suspected cases of abuse, cruelty, or neglect to peace officers and humane agents as provided in 343.12 [duties of police officers] and 343.29 [duty of peace officers and animal control officers].

West Virginia 7-10-4a

(a) It is the duty of any licensed veterinarian and the right of any other person to report to a humane officer any animal found, reasonably known or believed to be abandoned, neglected or cruelly treated as set forth in this article, and such veterinarian or other person may not be subject to any civil or criminal liability as a result of such reporting.

14. ARREST POLICIES

The following 29 states have provisions in their animal cruelty laws allowing approved humane agents to investigate cases of cruelty, and in some states they are also allowed to make arrests:

Arkansas	Massachusetts	South Carolina
California	Michigan	South Dakota
Connecticut	Minnesota	Tennessee
Delaware	Nevada	Utah
Florida	New York	Vermont
Hawaii	New Jersey	Virginia
Illinois	North Carolina	Washington
Kentucky	Ohio	West Virginia
Maine	Pennsylvania	Wisconsin
Maryland	Rhode Island	

Seven states and the District of Columbia have provisions specifying that a law enforcement officer is needed to issue an arrest warrant:

Idaho	Kansas	Nebraska
Indiana	Louisiana	
Iowa	Minnesota	

FINAL NOTE

This document is designed to assist in drafting amendments to animal cruelty laws and will be updated often. Before making changes in your states law please make sure that you have the most updated copy of this document. If you have any questions or would like assistance in working on animal cruelty provisions in your state, please contact Julie Janovsky, Office of Government Affairs, The HSUS, 2100 L Street, NW, Washington, DC 20037; 202-955-3661; jjanovsky@hsus.org; www.hsus.org