

HOUSE BILL NO. 1301

Introduced by

Representatives Kiefert, Beadle, Blum, Maragos, Mitskog

Senators Campbell, Dever, Meyer, Robinson

1 A BILL for an Act to amend and reenact section 36-21.2-07 of the North Dakota Century Code,
2 relating to bonding for the cost of care for animals seized by law enforcement.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 36-21.2-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **36-21.2-07. Costs of seizure and care - Responsibility of owner - Lien.**

- 7 1. If convicted of violating this chapter, the owner of an animal seized under section
8 36-21.2-05 is responsible for all costs related to the animal's seizure, including
9 required notifications, attorney's fees, court costs, and any costs incurred in providing
10 the animal with care or in providing for its destruction in accordance with section
11 36-21.2-06.
- 12 2. a. The law enforcement agency that seized the animal has a lien upon the animal
13 for all costs incurred as a result of the seizure and conviction. The lien is superior
14 to any other claim or lien.
- 15 b. If the lien is not satisfied by the animal's owner, the law enforcement agency may
16 apply to the court for an order enforcing the lien.
- 17 3. If criminal charges are pending, or are intended to be filed, against the owner of an
18 animal seized for a violation of this chapter, before the final court disposition, the law
19 enforcement agency that seized the animal, or the prosecutor, may file a petition
20 requesting the court to issue an order requiring the owner of the animal to post a bond
21 to satisfy all costs of care of the animal while in the custody of the law enforcement
22 agency. The court shall hold a hearing regarding the petition within twenty business
23 days after the petition is filed. The law enforcement agency or prosecutor shall provide
24 notice of the petition and hearing date to the owner of the animal. The law

1 enforcement agency shall leave notice at the last known address of the owner. The
2 notice must contain a description of the seized animal, the date the animal was seized,
3 the name and contact information of the agency seizing the animal, and the reason the
4 animal was seized. If the owner of the animal cannot be determined, a written notice
5 regarding the seizure of the animal must be posted in a conspicuous place at the
6 location of the seizure and at the time the seizure occurs, if feasible. If the court
7 determines probable cause exists for a violation of this chapter, the court shall require
8 the owner of the animal to post a bond with the court, within five business days after
9 the issuance of the order, in an amount determined by the court to be sufficient to pay
10 all reasonable costs, including food, water, shelter, and any necessary medical care,
11 incurred from the date of the seizure and anticipated to be incurred for the first thirty
12 days of care of the animal while the criminal charges are pending. A law enforcement
13 agency in possession of a seized animal may draw from any bond posted under this
14 section to pay for the cost of care of the animal. The owner shall post an additional
15 bond for each subsequent thirty-day period before the expiration date of the previous
16 bond if the criminal charges remain pending. If the owner fails to post a required bond
17 while criminal charges are pending, the law enforcement agency that seized the
18 animal may sell the animal, place the animal for adoption, or humanely destroy the
19 animal. The owner must be reimbursed for any bond paid if found not guilty of a
20 violation of this chapter.

- 21 4. If a seized animal is sold, the proceeds must be used first to satisfy the lienholder to
22 the extent of the lien and second to satisfy any other claims involving the animal. Any
23 remaining proceeds must be returned to the owner, as directed by the court. If the
24 owner is unknown, any proceeds otherwise payable to the owner must be deposited in
25 the general fund of the county. If the owner has two or more animals seized and the
26 owner of the animals, at a hearing, can prove indigence, the court may reduce or
27 waive the costs of care under this section.