

SENATE BILL NO. 2056

Introduced by

Senator Lyson

Representative Carlisle

1 A BILL for an Act to amend and reenact section 36-21.1-06 of the North Dakota Century Code,
2 relating to abandoned animals.

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

4 **SECTION 1. AMENDMENT.** Section 36-21.1-06 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **36-21.1-06. Exposure and abandonment of animals - Authority of officers.**

- 7 1. Any sheriff, police officer, licensed veterinarian, or investigator may take custody
8 of, and care for any animal found abandoned, unjustifiably exposed to cold or
9 inclement weather, or not properly fed and watered. Any sheriff or police officer
10 may use reasonable means to enter a motor vehicle and remove an animal that
11 has been left in the vehicle in violation of section 36-21.1-03.1.
- 12 2. A sheriff, police officer, licensed veterinarian, or investigator may care for the
13 animal until it is redeemed by the owner or keeper and when necessary may
14 deliver the animal to another person or facility to be sheltered, cared for, and
15 furnished suitable food and drink. ~~In all cases~~ If the owner, if or keeper is known,
16 the individual must be immediately notified, or if immediately. If the owner or
17 keeper is unknown, notice must be given by publication in the manner prescribed
18 by law. Such official newspaper of the jurisdiction. The notice must inform the
19 owner provide that such the animal may be sold, placed for adoption, or otherwise
20 disposed of, pursuant to court order if the animal is not redeemed within five days
21 after receiving the notice the owner or keeper, if known, is notified or if the owner
22 or keeper is unknown, within five days after publication.
- 23 2- 3. The sheriff, police officer, licensed veterinarian, investigator, or whoever has
24 custody of the animal has a lien ~~thereon~~, on the animal, which is superior to any

other claim or lien, for ~~its~~ the animal's care and keeping, the reasonable value of the food and drink furnished, and the expenses of notifying the owner or keeper. If ~~such~~ the lien is not discharged and satisfied by the owner within five days after receiving the notice or within five days after publication, the person holding ~~such~~ the claim may ~~apply to the district court for an order to sell such~~ sell the animal to and discharge ~~such the~~ the lien. ~~Upon order of the court, the animal must be sold at a public market to pay the charges for keeping the same, and the title to the animal passes by the sale. The court may award costs and reasonable attorney's fees to the person bringing the action to enforce, arrange for the adoption of the animal, or arrange for the destruction and disposal of the animal.~~

4. If the animal is sold, the lienholder is entitled to the proceeds to the extent of the lien, and the remainder, if any, must be paid over to the owner or keeper, if known; ~~or if.~~ If the owner or keeper is not known, the remainder must be deposited in the county general fund. ~~If no purchaser is found, the animal, at the discretion of the commissioner, may be offered for adoption or disposed of consistent with this chapter or with any other provision of law.~~

5. For purposes of this section, an "abandoned animal" is an animal that is or reasonably appears to have been deserted by its owner or keeper. The term may include an animal that is running loose on property other than that of its owner or keeper if the animal bears no identification indicating the owner or keeper and the owner or keeper is not known to the sheriff, police officer, licensed veterinarian, or investigator taking custody of the animal under this section.