

### **Analysis by the Legislative Reference Bureau**

*This bill makes various changes to the treatment of animals that are believed to have been used in crimes against animals.*

*Under current law, a humane officer or law enforcement officer, on behalf of a city, village, town, or county (local governmental unit), may take custody of an animal if the officer believes the animal meets certain conditions, including if the animal has been a participant in an animal fight intentionally instigated by any person or has been criminally mistreated. This bill allows such an officer to take custody of an animal if the officer believes the animal has been involved in any of a number of crimes related to the treatment of animals (crimes against animals).*

*Under current law, a local governmental unit may withhold, or direct a person contracting with it to withhold, an animal in custody from an owner who makes an otherwise adequate claim for the animal on certain grounds, including if there are reasonable grounds to believe that the owner has criminally mistreated the animal. Under this bill, an animal may be withheld from an owner if there are reasonable grounds to believe that the owner has used the animal in any crime against animals.*

*Under current law, if the owner of an animal that is being held in custody (by a local governmental unit or other person, such as a humane society, on behalf of a local governmental unit) is convicted of a crime related to animal fighting and the animal is one year old or older or shows indication of having participated in fighting, the animal must be euthanized.*

*Also under current law, an animal that is taken into custody for certain reasons may be considered an unclaimed animal, including if the animal is abandoned or a stray, if it is an untagged dog, if it is not licensed, or if its owner fails to pick it up from a veterinarian. If an animal is considered unclaimed, the person with custody of the animal has a number of options regarding treatment of the animal. These options include releasing the animal to a person other than the owner under certain circumstances, selling an animal other than a dog or cat at public auction, euthanizing the animal, or, if the animal is a stray, releasing the animal for scientific or educational purposes.*

*Under this bill, if an animal of any age is being held in custody and the owner of the animal is convicted of a crime against an animal, the animal must be treated as an unclaimed animal.*

*Under current law, if an animal has been taken into custody because it is believed that the animal has been used in, or is evidence of, a crime related to animal fighting, it must be retained in custody. If the owner claims the right of possession of the animal, a court must determine whether the animal is needed as evidence or there is reason to believe that the animal has been used in fighting. If so, the animal must be retained in custody.*

*Under this bill, if an animal has been taken into custody because it is believed that the animal has been used in any crime against animals or that it constitutes evidence of a crime against animals, it must be retained in custody. The bill provides the animal's owner an opportunity to file an application with the court for the return of seized property within 30 days after the animal is seized, and the owner is barred from filing such an application after this period. If the owner files a timely application, the bill requires the court to hold a hearing within 20 days of receiving the application. At the hearing, if the court determines that there is reason to believe that the animal was used in any crime against animals or that the animal constitutes evidence of a crime against animals, the bill requires the court to order the animal to be retained in custody. If the court determines that the animal is not needed as evidence and that there is no reason to*

*believe that the animal was used in a crime against animals, the bill requires the court to order the animal to be returned to the owner.*

*The bill also allows the local governmental unit or other person with custody of an animal believed to have been used in, or constitutes evidence of, a crime against animals to demand payment from the animal's owner for the custody, care, and treatment of the animal no more frequently than every 14 days. If the payment demanded is not received within 30 days of mailing the demand, the bill requires the animal to be treated as an unclaimed animal. The bill allows an owner to challenge the reasonableness of the amount of payment demanded.*

*Under current law, generally, a local governmental unit or person contracting with it may treat an animal as an unclaimed animal if it is taken into custody because it is abandoned or a stray, it is an untagged dog, it is not licensed in compliance with any ordinance, or it is delivered by a veterinarian after the owner failed to pick it up and if, within seven days after the animal is seized, it is not claimed by and returned to its owner. Under this bill, the period after which a stray or abandoned animal may be treated as unclaimed is reduced to four days.*

*Under current law, a local governmental unit may petition the court for an order regarding an animal in custody, including an order requiring payment or the posting of a bond for the costs of custody, care, and treatment pending the outcome of a proceeding or an order authorizing the sale, destruction, or other disposal of the animal. This bill allows a person other than a local governmental unit that has custody of an animal, such as a humane society, to petition the court for such an order.*