

HCS HB 489 -- CONFISCATION OF ANIMALS

SPONSOR: Van Schoiack

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Agriculture by a vote of 15 to 1, with 6 voting present. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 7 to 1 with 1 voting present.

The following is a summary of the House Committee Substitute for HB 489.

This bill changes the laws regarding the confiscation of animals. In its main provisions, the bill:

(1) Specifies that a law enforcement official must seek a warrant to enter private property to inspect, care for, or confiscate neglected or abused animals. Currently, either a law enforcement official or a duly authorized public health official can seek the warrant;

(2) Prohibits an animal from being sterilized before the completion of the disposition hearing unless it is necessary to save life or relieve suffering;

(3) Allows a third party approved by the court to care for confiscated animals;

(4) Specifies that the owner of any animal that has been confiscated cannot be responsible for the animal's care and keeping prior to a disposition hearing if at the hearing, there is no finding of abuse or neglect by the court and the court orders the animals returned to the owner;

(5) Requires a reasonable bond or security to be posted within 72 hours of the disposition hearing in an amount sufficient to provide for the care of the animal and consistent with the fair market cost of boarding the animal in an appropriate retail boarding facility if the owner, custodian, or any person claiming an interest in an animal that has been confiscated because of neglect or abuse would like to prevent disposition of the animal after the disposition hearing and while the criminal case proceeds. Currently, the owner, custodian, or any person claiming an interest in 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 for at least 30 days, inclusive of the date on which the animal was taken into custody;

(6) Specifies that all animals confiscated must receive proper care as determined by state law and regulations. Any facility or organization must be liable to the owner for damages for any negligent act or abuse of the animal which occurs while the animal is in its care, custody, and control;

(7) Specifies that in the event that an animal owner is not liable for the costs incurred while the charges were pending, the costs of care and the liability for the life or death of the animal and medical procedures performed are the responsibility of the confiscating agency;

(8) Allows an owner to demand the return of the animal held in custody if he or she posted a sufficient bond and is acquitted or there is a final discharge without a conviction unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence. Any entity with care, custody, and control of the animal must immediately return it to the owner upon demand and proof of the acquittal or final discharge without conviction. The animal owner must not be liable for any costs incurred relating to the placement or care of the animal while the charges were pending unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence;

(9) Specifies that any person or entity that intentionally euthanizes, other than as permissible under the provisions of the bill, or intentionally sterilizes an animal prior to a disposition hearing or during any period for which a reasonable bond was secured for the animal's care will be guilty of a class B misdemeanor and is liable to the owner for damages including the actual value of the animal. Each individual animal for which a violation occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor, and any entity licensed under state law must be subject to licensure sanction by its governing body; and

(10) Requires, in the event that the animal owner is not liable for the costs incurred, the confiscating agency to be responsible for the usual and customary veterinary costs and fair market boarding fees and be liable for the life or death of the animal and for medical procedures performed while the charges were pending.

This bill is similar to HB 2204 (2022).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the bill requires a speedy disposition hearing to determine if an owner is liable for animal abuse or neglect and will save money. The cost of care for confiscated animals compounds quickly. Often animal owners forfeit their rights to the animals because they cannot pay the bond or the costs associated with the legal challenge.

Testifying in person for the bill were Representative Van Schoiack; Missouri Farm Bureau; Missouri Federation of Animal Owners; Missouri Pet Breeders Association; Missouri Veterinary Medical Association; Missouri Cattlemen's Association; and Missouri Animal Husbandry Association.

OPPONENTS: Those who oppose the bill say that there is a current appeal process which meets all the standards of due process of law. Both sides of a case need time to prepare for a trial and 10 days is not enough time to gather all necessary evidence. In addition, the requirement to hand deliver the notice to a property owner can stall the rescue effort if the property owner does not live on the property.

Testifying in person against the bill were Sara Spease, Missouri Animal Control Association; Humane Society of the United States; Bob Baker; Flotron & McIntosh; and Animal Legal Defense Legislative Fund.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.