

Revisions to H.283, starting on page 4 line 13

~~(5)~~(E) Permit periodic unannounced visits for a period up to five years by a humane officer to inspect the care and condition of any animal permitted by the court to remain in the care, custody, or possession of the defendant, or for a period necessary to verify compliance with any limitations on animal ownership or other restrictions authorized by this section. Such period may be extended by the court upon motion made by the State.

**Commented [BL1]:** There was concern from the Committee about an open-ended period of inspection. This proposal caps the period for compliance with animals that a defendant can retain at 5 years. It also allows inspections for ownership limitations that may be imposed by the court for a period necessary for this purpose.

(2) In addition to any other sentence or requirement the court may impose under this section:

(A) the Court may prohibit or limit any person convicted of an offense under section 352 or subsection 355(b) 352(3), 352(4), 352(7), 352(8), 352(9), or 352(10) of this title from owning, possessing, residing with, or engaging in employment involving the care of any animal for any period of time and impose any other reasonable restrictions on the person's future ownership or possession of animals as may be necessary for the protection of the animals.

(B) the Court shall prohibit or limit any person convicted of an aggravated cruelty offense under section sections 352(1), 352(5), 352(6), 352(11), 352a, or 355(b) of this title from owning, possessing, residing with, or engaging in employment involving the care of any animal for not less than five years and impose any other reasonable restrictions on the person's future ownership or possession of animals as may be necessary for the protection of the animals.

**Commented [BL2]:** There was concern that some individuals, such as farmers, who may be convicted of a relatively minor misdemeanor offense would be required not to have contact with any animals for 5 years. This revised draft only applies the mandatory 5 year prohibition to those convicted of aggravated (felony) cruelty. This proposal would allow for additional discretion while making sure the absolute worst violations result in automatic ownership bans

(3) Any person found in violation of a Court order incorporating the provisions of this section shall be guilty of a misdemeanor offense and may be fined up to \$1,000.00 for each animal held in unlawful ownership or possession. This section shall not be construed to limit or restrict prosecution under any other law. may, in addition to any other punishment provided by law, be fined up to \$1,000.00 for each animal held in unlawful ownership or possession.

(4) Any animal involved in a violation described in this section shall be forfeited to the State held in unlawful ownership or possession may be immediately seized by a humane officer. Upon conviction for a violation of this section, any animal held in unlawful ownership or possession shall be forfeited to the State.

**Commented [BL3]:** The changes to subsections (3) and (4) are intended to make clear that a violation of a court order against owning/caring for animals is a misdemeanor violation, those animals can be seized by a humane officer, and upon a conviction those animals shall be forfeited to the state

~~(5) The purpose of this section is to reduce recidivism and prevent the further endangerment of animals by persons convicted of a violation under section 352 or 352a of this title. The Court may use, when appropriate, the limitations on animal ownership or other restrictions authorized by this subsection to achieve this purpose.~~

**Commented [BL4]:** I removed this section because the Committee found it unusual. While the intent was to demonstrate legislative support for using ownership limitations as an efficient and cost-effective way to prevent recidivism, I have no problem with it being removed.

(c) Transfer of rights. Upon an order of forfeiture of an animal under this section or section 354 of this title, the court shall order custody of the animal remanded to a humane society or other individual deemed appropriate by the court, for further disposition in accordance with accepted practices for humane treatment of animals. A transfer of rights under this section constitutes a transfer of ownership and shall not constitute or authorize any limitation upon the

right of the humane society, individual, or other entity, to whom rights are granted to dispose of the animal.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

