

Nate Biscotti

From: Martin LaLonde
Sent: Thursday, January 15, 2026 12:49 PM
To: Nate Biscotti
Cc: Ian Goodnow
Subject: Fw: H.578 - follow-up from yesterday's testimony

Please post.

Representative, Chittenden 12, South Burlington, VT
Chair, House Judiciary Committee
Chair, House Ethics Panel
martinlalondevt.com

From: Milot, Lisa <Lisa.Milot@vermont.gov>
Sent: Thursday, January 15, 2026 12:39 PM
To: Martin LaLonde <MLaLonde@leg.state.vt.us>
Subject: H.578 - follow-up from yesterday's testimony

Dear Chairman LaLonde,

Thank you for inviting me to provide testimony concerning H.578 yesterday; I think the bill addresses some important and time-sensitive issues.

Below are my comments concerning specific items in the bill, for consideration by the House Judiciary committee.

I am happy to review and comment on any further drafts and can submit these comments formally if you prefer. Regardless, please feel free to share them with the committee generally.

As an overall comment, the revisions to s. 354 in the proposed bill will not reliably speed up disposition of animals over the current approach. However, there are options to ensure this does happen (noted in appropriate places below) so that the harms incurred by animals, nonprofit organizations, and municipalities when animals seized as part of criminal investigations are subject to long legal hold periods don't occur.

p 2 line 11: add "without a bona fide veterinary or animal husbandry purpose"

§ 352 & § 352a: These statutes are worth reviewing generally to modernize them, but stakeholder input would be important. Given timing needs, this is likely beyond the scope of this bill but worth keeping in mind for the future.

p 7 (B): consider limiting the number of times a civil ticket can be issued in lieu of charges and whether a possession ban/rechecks should be included.

p 8 (1): consider whether a broader possession ban would be appropriate (i.e., whether horses should be excluded from the definition of livestock, whether all animals regardless of type should need to be

forfeited, whether all animals of the same type (i.e., pet animals, livestock, poultry) should need to be forfeited, or whether it should be the same species as the cruelly treated animal

p 8 (3): consider including “reside for any period of time with” to the list of prohibited actions; make breadth of ban consistent with decision made on line 12

p 9 (4): consider whether this should be an option but not mandatory (“may” instead of changing to “shall”)

p 9 (5): consider allowing for periodic unannounced visits during prohibition period

p 9 line 17: consider revising to, “...humane society, other entity, or ~~other~~ individual...”

p 10 (a): consider revising to, “The Secretary of Agriculture, Food and Markets or such person’s designee shall be consulted prior to any enforcement action brought pursuant to this chapter that involves livestock and or poultry. Law enforcement may consult with the Secretary or designee in person or by telephonic or electronic means, and the Secretary or designee...”

p 10-11 (b): consider whether to allow animals under co-ownership or co-possession with an animal being cruelly treated be seized as well; consider removing requirement that a vet be on the property during a seizure or that a seized or surrendered animal be taken to a vet within specified timeframes to allow for the times no vet is available to attend a seizure or vet exam is not needed for stabilization or evidence collection purposes. Could add a (4) requiring vet care be sought as expeditiously as possible in cases where it is necessary for stabilization, therapeutic, or evidentiary purposes.

p 12 line 2: consider revising to, “...or when the animal cannot be safely and humanely confined under standard housing conditions.”

p 12 (d): consider making this process automatic, so that an owner has X days to request a hearing & pay a scheduled amount or title is forfeited or so that a hearing is automatically scheduled for within X days at the time a search warrant is taken out or at the time animals are seized for exigent circumstances, as applicable. See Minnesota Stat. Ann. § 343.235 (but not the standard for returning animals to an owner), 14 Virgin Islands Code Ann. § 187 (but only the 10-day hearing process, not also the probable cause one); Texas Health & Safety Code §§ 821.022 & 821.023 (but include similar process for animals seized for exigent circumstances) for examples of these approaches.

p 13 (2): note that allowing a default judgment to be reopened for 30 days means holding the animal for 30 additional days in every case; consider a much shorter period or not allowing reopening

p 13 (1): clear and convincing standard represents ~80% confidence and is a high standard, generally applicable to things like termination of parental rights or a civil finding of fraud. Consider using the normal civil/property law standard of “preponderance of the evidence” instead or a “lawfully seized” standard (basically a probable cause review). Consider also expanding the animals that could be forfeited under this provision to include any seized because of being under co-ownership or co-possession with an animal that was, by a preponderance of the evidence, cruelly treated.

p 14 line 1: consider revising to, “available by telephone or by other remote means...”

p 14 (g): note that if civil forfeiture provision is being revised as described above, cost of care payment is already included. New cost of care provision is only needed if civil forfeiture process remains cumbersome, slow, and page 8 (2) changes in the bill draft are not made.

p 15 (h)-(o): note that this new provision is only needed if the civil forfeiture process is not revised as suggested above so that prosecutors can choose which avenue will better expedite release of the animals and obtain payment for their care. If the new provision is kept, consider adding an automatic process like that described above for the civil forfeiture process or having a DSA or SA’s Office be made responsible for all such filings so that disposal is expedited.

p 15 line 19: note that allowing a custodial caretaker to commence the proceeding would require making evidence in the criminal case available to such person (including evidence that might ultimately not be admissible in the criminal case). Typically this evidence is not available to the public while a criminal

case is open. If keeping this option, consider adding guardrails on the use and disclosure of this information to protect the criminal case and the defendant's rights.

p 16 line 12: concern was raised during testimony that "humane officer" did not include law enforcement officers. However, the definition of humane officer includes, inter alia, "any enforcement officer as defined in 23 V.S.A. § 4(11)(A)" (see 13 V.S.A. § 351(4)(a)). 23 V.S.A. § 4(11)(A) defines "enforcement officers" as including, "sheriffs, deputy sheriffs, constables whose authority has not been limited under 24 V.S.A. § 1936a, police officers, State's Attorneys, Capitol Police officers, motor vehicle inspectors, liquor investigators, State game wardens, and State Police."

p 19 (m): consider making consistent with p 14 (3)

p 19 (n): I do not understand what "The order shall not be stayed pending appeal" means in this context. Typically it would mean that the lower court decision would stand during the appeal, so that the cost of care would be due and, if not paid, title would be forfeited. If that is what this means, even if the owner won on appeal, the animal might already have been euthanized or adopted out, making the appeal moot. Consider whether ensuring certainly more quickly would work better overall.

p 19 (p): consider adding, "...or the Secretary of Agriculture, Food and Markets, or such person's designee..."

Best regards,
Lisa

Lisa Milot
Director of Animal Welfare
Department of Public Safety
45 State Road
Waterbury, VT 05676
802-585-5995 (cell)

