

ENGROSSED HOUSE  
BILL NO. 1107

By: Boyd (Laura) of the  
House

and

Hobson of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1685, which relates to cruelty to animals; clarifying circumstances by which cruelty to animals occurs; deleting lien authorization; allowing the taking custody of an animal under certain circumstances; providing for certain dispositions of animal seized; requiring notice to be given; establishing hearing process in certain circumstances; providing for payment of costs in certain instances; providing for waiver during certain period; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1685, is amended to read as follows:

Section 1685. A. Any person who shall willfully or maliciously overdrive, overload, torture, destroy or kill, or cruelly beat or injure, maim or mutilate, any animal in subjugation or captivity, whether wild or tame, except commercial livestock and whether belonging to ~~himself~~ that person or to another, or deprive any such

animal of necessary food, drink or shelter; or who shall cause, procure or permit any such animal to be so overdriven, overloaded, tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink or shelter; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty, shall be punished by imprisonment in the penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars (\$500.00); ~~and any officer finding an animal so maltreated or abused shall cause the same to be taken care of, and the charges therefor shall be a lien upon such animal, to be collected thereon as upon a pledge or a lien.~~

B. Any peace officer finding an animal maltreated or abused pursuant to subsection A of this section may cause the animal to be taken care of for seven (7) days, after which time the animal may be disposed of by sale or adoption or euthanatized. Within twenty-four (24) hours of taking custody, the officer taking custody of the animal shall give notice of the seizure by posting at the location where the animal was seized the date and time of the seizure, the officer's name and telephone number, a description of the animal seized, the reason for the seizure of the animal, how a hearing may be requested and the animal disposal methods to be used if no request for hearing is made. Any person claiming an interest in the animal may prevent disposal of the animal after the seven-day period by requesting a hearing before the district court within that seven-day period. At the hearing, the court shall determine whether the person claiming an interest in the animal is able to adequately provide for the animal. If the court determines that the person is able to do so, the animal shall be released to the person upon payment of costs already incurred for the care of the animal. If the court determines that the person is unable to adequately provide

for the animal's care, then the court shall require the person to post a bond in an amount sufficient to secure payment for all reasonable expenses incurred in caring for the animal, including necessary veterinary care, for at least thirty (30) days. The animal may be disposed of at the end of the thirty-day period unless additional bond is posted every thirty (30) days to provide for the continuing costs of caring for the animal or until the court determines that the person is able to adequately provide for the animal and that the animal should be released to the person. At any time during the initial seven (7) days, the owner of said animal may submit a written waiver relinquishing rights to the animal.

SECTION 2. This act shall become effective November 1, 1995.

Passed the House of Representatives the 2nd day of March, 1995.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1995.

President of the Senate