ENROLLED HOUSE
BILL NO. 1672

By: Nations, Denney, Martin, Cooksey, Richardson, Jett, Armes and DeWitt of the House

and

Hobson of the Senate

An Act relating to crimes and punishments; providing reporting requirement; requiring certain information in report; providing immunity from civil liability; stating purpose for removal or care of animals; authorizing certain officers to determine custody specifications and custody orders; establishing bond procedures for custody and care of abused and abandoned animals; requiring certain agency to petition for bond hearing; establishing bond hearing requirements; providing for forfeiture under certain circumstance; providing for the return of unused funds; providing for euthanasia; amending 21 O.S. 2001, Sections 1685, as amended by Section 1, Chapter 363, O.S.L. 2003 and 1686 (21 O.S. Supp. 2005, Section 1685), which relate to abused and abandoned animals; modifying scope of certain crime; deleting certain lien requirement; providing for humane destruction of animals; modifying personnel authorized to perform certain acts; modifying definition; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1680.3 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. A veterinarian shall report suspected cases of animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within twenty-four (24) hours of any examination or treatment administered to any animal which the veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the animal together with the name and address of the owner.

B. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1680.4 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. The purpose of this section is to provide a means by which any abused or neglected animal, as described in Section 1685 of Title 21 of the Oklahoma Statutes, may:

1. Be removed from its present custody; or

2. Be made the subject of an order issued to the owner by the appropriate court to provide care to the animal by the owner of the animal or by another person at a location approved by the court, with the order setting forth the conditions under which the animal will be housed and cared for, and given protection and a humane disposition.

B. Any peace officer or animal control officer may:

1. Specify terms and conditions by which the owner or keeper may maintain custody of the animal at the expense of the owner to provide care for the animal. The specifications shall be counter-signed by the owner or keeper of the animal. Provided, however, that violation of the custody agreement of the animal may result in the impoundment of the animal; or

2. Obtain a court order to take custody of any animal found neglected or cruelly treated by removing the animal from its present location.

C. 1. After an animal has been seized and prior to any charges being filed, the agency that took custody of the animal shall, within seven (7) days from the date of seizure, petition the district court in the county in which the animal was seized for a bond hearing to determine the cost and care for the animal. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. If the court finds that probable cause exists that an animal has been abused, the court may order immediate forfeiture of the animal to the agency that took custody of the animal. Provided, however, within seventy-two (72) hours of the order of forfeiture, the person owning or having charge or custody of the animal may post a security bond in an amount determined by the court that is sufficient to reimburse all reasonable and anticipated costs incurred by the agency caring for the animal from the date of seizure. Reasonable costs include, but are not limited to, medical care and boarding of the animal.

2. The bond shall be placed with the agency that took custody of the animal. The agency shall provide an accounting of expenses to the court when the animal is no longer in the custody of the agency or upon request by the court. The agency may petition the court for a subsequent bond hearing at any time. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. When all expenses covered by the bond are exhausted and a subsequent bond has not been posted, the animal shall be forfeited to the agency.

3. If the animal is returned to the person who previously owned or had charge or custody of the animal, funds not used for the care of the animal shall be returned.

4. Nothing in this section shall prevent the euthanasia of a seized animal at any time as determined necessary by a licensed veterinarian of the state.

SECTION 3. AMENDATORY 21 O.S. 2001, Section 1685, as amended by Section 1, Chapter 363, O.S.L. 2003 (21 O.S. Supp. 2005, Section 1685), is amended to read as follows:

Section 1685. 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, and whether belonging to ~~himself~~ the person or to another, or deprive any such animal of necessary food, drink ~~or~~, shelter, or veterinary care to prevent suffering; 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 veterinary care to prevent suffering; 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 guilty of a felony and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars ($5,000.00). 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~~ be considered an abused or neglected animal.

SECTION 4. AMENDATORY 21 O.S. 2001, Section 1686, is amended to read as follows:

Section 1686. A. Any person owning or having charge or custody of a maimed, diseased, disabled, or infirm animal who abandons ~~said~~ the animal or who allows ~~said~~ the animal to lie in a public street, road, or public place one (1) hour after ~~said~~ the person receives notice by a duly constituted authority that the animal is disabled or dead, upon conviction, shall be guilty of a misdemeanor.

B. Any peace officer~~,~~ or animal control officer~~, or agent or officer of the Society for the Prevention of Cruelty to Animals or of any humane society duly incorporated for the purpose of the prevention of cruelty to animals~~ may humanely destroy or cause to be humanely destroyed any animal found abandoned and for which no proper care has been given.

C. When any person who is arrested~~, and who~~ is, at the time of ~~such~~ the arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any peace officer, or animal control officer~~, or agent or officer of said humane societies~~ may take custody of the animal or of the vehicle and its contents, or deliver the animal or the vehicle and its contents into the possession of the police or sheriff of the county or place where ~~such~~ the arrest was made, who shall assume the custody thereof. All necessary expenses incurred in taking custody of the animal or of the vehicle and its contents shall be a lien on such property.

D. For the purpose of the provisions of this section and Section 1691 of this title, the term "abandon" means the voluntary relinquishment of an animal ~~with no intention to retain possession~~ and shall include but shall not be limited to vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of surrendering ownership or custody over ~~said~~ the animal.

SECTION 5. This act shall become effective November 1, 2006.

Passed the House of Representatives the 22nd day of May, 2006.

_____
Presiding Officer of the House of Representatives

Passed the Senate the 23rd day of May, 2006.

_____
Presiding Officer of the Senate