

CS for EHB 1672

1 THE STATE SENATE
2 Monday, April 10, 2006

3 Committee Substitute for
4 ENGROSSED
5 House Bill No. 1672

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1672 - By:
7 NATIONS, DENNEY, MARTIN, COOKSEY and RICHARDSON of the House and
8 HOBSON of the Senate.

9 [crimes and punishments - custody specifications - care of
10 abused and abandoned animals - euthanasia - cruelty to
11 animals - humane destruction of animals - codification -
12 effective date]

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

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

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

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

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

4 A. The purpose of this section is to provide a means by which
5 any abused or neglected animal may:

6 1. Be removed from its present custody; or

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

13 B. Any peace officer or animal control officer may:

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

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

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

18 2. The bond shall be placed with the agency or humane society
19 that took custody of the animal. The agency or humane society shall
20 provide an accounting of expenses to the court when the animal is no
21 longer in the custody of the agency or humane society or upon
22 request by the court. The agency or humane society may petition the
23 court for a subsequent bond hearing at any time. The bond hearing

1 shall be held as soon as practicable and not more than ten (10)
2 business days from the date of application for the bond hearing.
3 When all expenses covered by the bond are exhausted and a subsequent
4 bond has not been posted, the animal shall be forfeited to the
5 agency or humane society.

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

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

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

15 Section 1685. Any person who shall willfully or maliciously
16 ~~overdrive, overload,~~ torture, destroy or kill, or cruelly beat or
17 injure, maim or mutilate, any animal in subjugation or captivity,
18 whether wild or tame, and whether belonging to ~~himself~~ the person or
19 to another, or deprive any such animal of necessary food, drink ~~or,~~
20 shelter, or veterinary care to prevent suffering; or who shall
21 cause, procure or permit any such animal to be so ~~overdriven,~~
22 ~~overloaded,~~ tortured, destroyed or killed, or cruelly beaten or
23 injured, maimed or mutilated, or deprived of necessary food, drink

1 ~~or, shelter, or veterinary care to prevent suffering;~~ or who shall
2 willfully set on foot, instigate, engage in, or in any way further
3 any act of cruelty to any animal, or any act tending to produce such
4 cruelty, shall be guilty of a felony and shall be punished by
5 imprisonment in the State Penitentiary not exceeding five (5) years,
6 or by imprisonment in the county jail not exceeding one (1) year, or
7 by a fine not exceeding Five Thousand Dollars (\$5,000.00). ~~Any~~
8 ~~officer finding an animal so maltreated or abused shall cause the~~
9 ~~same to be taken care of, and the charges therefor shall be a lien~~
10 ~~upon such animal, to be collected thereon as upon a pledge or a~~
11 ~~lien.~~

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

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

20 B. Any peace officer, or animal control officer, ~~or agent or~~
21 ~~officer of the Society for the Prevention of Cruelty to Animals or~~
22 ~~of any humane society duly incorporated for the purpose of the~~
23 ~~prevention of cruelty to animals~~ may humanely destroy or cause to be

1 humanely destroyed any animal found abandoned and for which no
2 proper care has been given.

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 4-3-06 -
23 DO PASS, As Amended.