

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1049

By: Anderson of the Senate

and

6 Denney of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to animals; defining terms; providing
12 procedures if a law enforcement officer has reason to
13 believe an animal has been abandoned or neglected;
14 providing for issuance of a warrant; providing for a
15 hearing; requiring notice; providing for court
16 orders; providing for payment of certain costs;
17 providing for codification; and providing an
18 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 511 of Title 4, unless there is
22 created a duplication in numbering, reads as follows:

23 As used in this act:

24 1. "Abandon" includes leaving an animal without making
reasonable arrangements for assumption of custody by another person;
and

1 2. "Neglect" means unreasonable deprivation of necessary food,
2 care, or shelter.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 512 of Title 4, unless there is
5 created a duplication in numbering, reads as follows:

6 A. If a law enforcement officer has reason to believe that an
7 animal has been abandoned or neglected in violation of Sections 1685
8 or 1692 through 1700 of Title 21 of the Oklahoma Statutes, the
9 officer may apply in a court of competent jurisdiction for a warrant
10 to seize the animal. Upon a showing of probable cause, the court
11 shall issue a warrant and set a hearing within ten (10) calendar
12 days of the date of issuance to determine if a violation of such
13 statutes has occurred. Upon execution of the warrant, the animal
14 shall be impounded and the owner of the animal shall receive written
15 notice of the time and place of a hearing to determine whether the
16 owner's right to ownership of the animal shall be terminated.

17 B. If the court finds that the owner of the animal has not
18 abandoned or neglected the animal, the court shall order the animal
19 returned to the owner.

20 C. If the court finds that the owner of the animal has
21 abandoned or neglected the animal, the owner shall be divested of
22 ownership of the animal, and the court shall order:
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1 1. The ownership of the animal be transferred to a nonprofit
2 animal shelter, pound or society for the protection of animals so
3 that the animal may be sold or adopted; or

4 2. The animal be humanely destroyed if the court determines
5 that the best interests of the animal or that the public health and
6 safety would be served by doing so.

7 D. If the court finds that the owner of the animal has
8 abandoned or neglected the animal, the court shall order the owner
9 to pay all court costs, any reasonable costs incurred for housing
10 and caring for the animal during impoundment, and any reasonable
11 costs incurred for humanely destroying the animal if ordered by the
12 court.

13 SECTION 3. This act shall become effective November 1, 2007.

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15 51-1-7785 SD 04/05/07

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