

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1049

6 By: Anderson

7 COMMITTEE SUBSTITUTE

8 [animals - abuse and neglect - impoundment -
9 codification - effective date]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

15 As used in this act:

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

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

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

1 A. If a law enforcement officer who has reason to believe that
2 an animal has been abandoned or neglected in violation of Sections
3 1685 or 1692 through 1700 of Title 21 of the Oklahoma Statutes, the
4 officer may apply in a court of competent jurisdiction for a warrant
5 to seize the animal. Upon a showing of probable cause, the court
6 shall issue a warrant and set a hearing within ten (10) calendar
7 days of the date of issuance to determine if a violation of such
8 statutes has occurred. Upon execution of the warrant, the animal
9 shall be impounded and the owner of the animal shall receive written
10 notice of the time and place of a hearing to determine whether the
11 owner's right to ownership of the animal shall be terminated.

12 B. If the court finds that the owner of the animal has not
13 abandoned or neglected the animal, the court shall order the animal
14 returned to the owner.

15 C. If the court finds that the owner of the animal has
16 abandoned or neglected the animal, the owner shall be divested of
17 ownership of the animal, and the court shall order:

18 1. The ownership of the animal be transferred to a nonprofit
19 animal shelter, pound or society for the protection of animals so
20 that the animal may be sold or adopted; or

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

24

1 D. If the court finds that the owner of the animal has
2 abandoned or neglected the animal, the court shall order the owner
3 to pay all court costs, any costs incurred for housing and caring
4 for the animal during impoundment, and any costs incurred for
5 humanely destroying the animal if ordered by the court.

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

7

8 51-1-1744 TEK 11/27/2007 3:58:44 PM

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24