

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to costs to care for animals seized in cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

IV. (a) In addition to being guilty of crimes as provided in paragraphs III and III-a, any person charged with cruelty to animals may have his or her animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. Courts shall give cases in which animals have been confiscated by an arresting officer's agency's priority on the court calendar. ***In cases in which animals have been confiscated by an arresting officer's agency, a preliminary hearing will be held by the Court within 14 days of the lawful seizure of animals.*** The costs ***to provide the confiscated animal(s) with humane care and adequate and necessary veterinary services***, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted. ***An agency providing care for the confiscated animal(s) may, when appropriate and with the approval of the arresting officer, place animals into foster homes.***

(b) In addition, the court may prohibit any person convicted of ***a misdemeanor offense of animal cruelty under 644:8, 644:8-aa, 644:8-b, 644:8-c, or 644:8-d, or violation of 644:8-f***, from having future ownership or custody of, ***or residing with***, other animals for any period of time which the court deems reasonable or impose any other reasonable restrictions on the person's future ownership or custody of animals as necessary for the protection of the animals. ***The court shall prohibit or limit any person convicted of a felony offense of animal cruelty under 644:8, or a misdemeanor or felony offense of bestiality under 644:8-g, from having future ownership or custody of, or residing with, other animals for a minimum of five years, and may impose any other reasonable restrictions on the person's future ownership or custody of animals as necessary for the protection of the animals. For purposes of this section, a reasonable restriction on future ownership or custody may include limiting a person from engaging in any employment in the care of animals or other similar contact as the court sees fit. Any animal involved in a violation of a court order prohibiting or limiting ownership or custody of animals shall***

*be subject to immediate forfeiture. Any person violating such order may, in addition to being held in criminal contempt of court or subject to a probation violation, be fined in the amount of \$1,000 in any court of competent jurisdiction for each animal held in unlawful ownership or custody.*

*(b)(c) If a person convicted of any offense of cruelty to animals appeals any part of the conviction to the Superior Court or a higher court, and any confiscated animal remains in the custody of the arresting officer's agency or the officer's agency's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial or appellate court may require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during the appeal. Such bond or security shall be posted to the court within 14 days. Upon the posting of funds, the arresting officer's agency having custody of any animals, or the arresting officer's agency's designee, may immediately begin to draw from those funds for payment of the actual costs incurred in keeping and caring for the animal or animals from the date of conviction until the final disposition of the appeal. If such bond or security is not paid within 14 days after the trial court orders the bond or security to be posted, the animals shall be forfeited to the arresting officer's agency or the officer's agency's designee. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal, from the date the animal or animals were originally confiscated, shall be paid to the custodian from the posted security and the balance, if any, returned to the person who posted it.*