

HB 1449 - AS INTRODUCED

2020 SESSION

20-2376

08/06

HOUSE BILL **1449**

AN ACT defining animal hoarding.

SPONSORS: Rep. Pearl, Merr. 26; Rep. Lang, Belk. 4; Sen. French, Dist 7; Sen. Bradley, Dist 3

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill defines animal hoarding.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~in brackets and struckthrough.~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT defining animal hoarding.

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

1 1 New Paragraph; Cruelty to Animals; Hoarding Defined. Amend RSA 644:8 by inserting after
2 paragraph II-a the following new paragraph:

3 II-b. In this section "animal hoarding" shall mean a situation where an individual or
4 individuals are unable to care for multiple animals in their custody due to psychological reasons.

5 2 Animal Hoarding. Amend RSA 644:8, IV-a(a) to read as follows:

6 (a) Except as provided in subparagraphs (b) and (c) any appropriate law enforcement
7 officer, animal control officer, or officer of a duly licensed humane society may take into temporary
8 protective custody any animal when there is probable cause to believe that it has been or is being
9 abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger
10 to the animal's health or life and there is not sufficient time to obtain a court order. Such officer
11 shall leave a written notice indicating the type and number of animals taken into protective custody,
12 the name of the officer, the time and date taken, the reason it was taken, the procedure to have the
13 animal returned and any other relevant information. Such notice shall be left at the location where
14 the animal was taken into custody. The officer shall provide for proper care and housing of any
15 animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been
16 returned or claimed, the officer shall petition the municipal or district court seeking either
17 permanent custody or a one-week extension of custody or shall file charges under this section. If a
18 week's extension is granted by the court and after a period of 14 days the animal remains unclaimed,
19 the title and custody of the animal shall rest with the officer on behalf of the officer's department or
20 society. The department or society may dispose of the animal in any lawful and humane manner as
21 if it were the rightful owner. If after 14 days the officer or the officer's department determines that
22 charges should be filed under this section, the officer shall petition the court. ***Where animals have
23 been taken into custody, as a result of animal hoarding as defined in paragraph II-b, and
24 prior to any action, agreement, settlement, or trial as outlined in paragraph IV or in this
25 paragraph, the court may order a person to undergo a psychological or psychiatric
26 evaluation and to undergo any treatment that the court determines to be appropriate after
27 due consideration of such evaluation. If a person is found not competent to stand trial, in
28 the absence of a co-owner, the court may order custody of the seized animals to another
29 person, shelter, or rescue organization.***

30 3 Effective Date. This act shall take effect January 1, 2021.