

HB 366 - AS INTRODUCED

2021 SESSION

21-0298

08/06

HOUSE BILL **366**

AN ACT defining animal hoarding.

SPONSORS: Rep. Pearl, Merr. 26; Rep. Lang, Belk. 4; Rep. Moffett, Merr. 9

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill defines animal hoarding and sets forth a procedure for a person charged with animal hoarding to be given a psychiatric evaluation.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 One

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 For purposes of this section, "hoarding" shall have the same definition as provided in the most
6 current version of the Diagnostic and Statistical Manual of Mental Disorders.

7 2 Animal Hoarding. Amend RSA 644:8, IV-a to read as follows:

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

(b) If a person is found not competent to stand trial, in the absence of a co-owner, the court may order custody of the seized animals to a third party or person with order of priority being a co-owner, family member, trustee, close friend, or a guardian with a power of attorney until such time as the court is satisfied that the terms of treatment have been met. In the case of a person who was evaluated and found unable to provide proper care and shelter by the court, the animals held in custody shall be disposed of and the court shall grant permanent custody to a third party or person with order of priority being a co-owner, family member, trustee, close friend, or such guardian with a power of attorney who is able to dispose of the animals in a humane manner.

~~[(b)]~~ (c) For purposes of subparagraph (a) the investigating officer for livestock, as defined in RSA 427:38, III, shall be accompanied by a veterinarian licensed under RSA 332-B or the state veterinarian who shall set the probable cause criteria for taking the animal or animals.

~~[(e)]~~ (d)(1) For purposes of subparagraph (a), for facilities licensed to conduct live running or harness horseracing or live dog racing pursuant to RSA 284, the appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society shall:

(A) Notify the director of the pari-mutuel commission of the circumstances arising under subparagraph (a);

(B) Enter the grounds of the facility with the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission;

(C) Take such horses or dogs into temporary protective custody as determined by the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission; and

(D) Comply with subparagraph (a) after taking a horse or dog from a facility licensed pursuant to RSA 284 into temporary protective custody.

(2) This paragraph shall not preempt existing or enforcement authority of the pari-mutuel commission, pursuant to RSA 284 or rules and regulations adopted pursuant to such authority.

3 Effective Date. This act shall take effect January 1, 2022.