

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2014**

Bill Number: S.237 Name of Bill: Crimes; humane treatment of animals; civil forfeiture proceedings

Agency/Dept: VT. State Police Author of Bill Review: Tyler Burgess

Date of Bill Review: 01.22.2014 Status of Bill: (check one):

Upon Introduction       As passed by 1<sup>st</sup> body       As passed by both bodies

Recommended Position:

Support       Oppose       Remain Neutral       Support with modifications identified in # 8 below

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**Analysis of Bill**

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1. Summary of bill and issue it addresses. *This bill was introduced to revise the civil forfeiture proceedings concerning an animal seized due to alleged abuse; streamlining and allowing for a more purposeful and speedy process.*

2. Is there a need for this bill: Yes

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

No implications foreseen.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

No implications foreseen other than the normal operating costs of prosecuting a charge. In addition, the way this bill is written on line 14, page 1, it does not allow for prosecutorial discretion. This mandate suggests that it would tie the hands of prosecutors. In lines 1-5, page 2, this bill references time constraints, in which the hearings must or shall occur. In fact, this bill uses the language of "in no event" which could be problematic and cases may end up being dismissed. However, this position should not allow for a case to sit idle for an extended amount of time.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?

Large animals that typically run through sale barns, auctions, flown in from other countries etc, often carry with them diseases that require quarantine areas and areas of segregation. With that, incurs expenses to those offering those services. Again, this bill, if passed would hopefully cut some of the costs often absorbed by many non-profit organizations.

Specific to horses, there are laws in place, that prohibit horses from crossing state lines without health papers, certain blood tests etc. In the event there were no local in-state places for a seized large animal and an out-of-

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state facility was needed, these arrangements would incur additional costs.

The largest financial hit is to those “non-profit” organizations that carry the burden of, facilitating, handling, housing and caring for the animals until the case has been completed. This bill would help speed the process up, avoid such large expenses.

Often times in cases where cats and dogs are hoarded in large numbers, they will carry several types of sicknesses and diseases that need to be treated immediately upon seizure. These additional health costs are added to just the normal everyday care of these seized animals post seizure.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?**

- a. Animal Advocacy Center/s
- b. Animal Shelters
- c. Prosecutors
- d. Veterinarians

**6.2 Who else is likely to oppose the proposal and why?**

- a. Those people who believe it is an acceptable to practice less than humane treatment of animals.
- b. Civil Liberties groups, suggesting the impeding of ones rights.

**7. Rationale for recommendation:** As stated above, I recommend that this bill move forward. This bill, if passed would cut down on the overall costs to those steak holders directly impacted by the process from the time of seizure to when the case has been closed. This bill would also help minimize the impact on those animals seized. These animals are living beings and should not sit idle in a facility. It increases stress both from a mental stand point and physical.

**8. Specific modifications that would be needed to recommend support of this bill:**

- a. Lines 17-20 on page 2 and lines 1-2 on page 3 talk about immunity during testimony. Recommendation would be, that the immunity be specific to the investigation being brought before the court for the civil forfeiture. If an accused in the matter of a civil forfeiture, were to introduce testimony about an unrelated criminal act; I believe the prosecution should have the flexibility to be able to use that testimony in an unrelated criminal case.
- b. Based on my conversation with local animal shelters, I believe there should be some language that talks specifically about the re-imbursement to non-profit organizations regardless of the outcome of the investigation.

Secretary/Commissioner has reviewed this document



Date: 1/28/14

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