

WORKING DRAFT

SENATE FILE NO. _____

Protection of domestic animals.

Sponsored by: Joint Agriculture, Public Lands and Water
Resources Interim Committee

A BILL

for

1 AN ACT relating to agriculture and animals; modifying
2 definitions relating to cruelty of domestic animals;
3 providing for bonds for animal care costs; establishing a
4 deadline to file a lien; repealing a lien provision against
5 local governmental entities; and providing for an effective
6 date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 11-29-114 is created to read:

11

12 **11-29-114. Impoundment of animals; cost of care for**
13 **animals; providing for bond.**

14

1 (a) Any person authorized to enforce W.S. 6-3-203 may
2 take possession of any animal treated cruelly as determined by
3 a licensed veterinarian or veterinarian employed by the board.

4
5 (b) The owner of the animal impounded under subsection
6 (a) of this section shall be required to post a bond with the
7 circuit court in the county where the animal was impounded.
8 The bond shall be:

9
10 (i) In an amount the circuit court determines is
11 sufficient to provide for the animal's board, nutritional
12 care, veterinary care and diagnostic testing for at least
13 ninety (90) days including the day on which the animal was
14 impounded; and

15
16 (ii) Filed with the circuit court within ten (10)
17 days after the animal is impounded.

18
19 (c) When the bond expires, if the owner of the animal
20 desires to prevent disposition of the animal by the board, the
21 owner shall post a new bond with the court as described in
22 subsection (b) of this section.

23

1 (d) If a bond is not posted under subsections (b) or (c)
2 of this section, the board shall determine final disposition
3 of the animal in accordance with reasonable practices for the
4 humane treatment of animals. Nothing in this subsection shall
5 prohibit the immediate disposition of an animal by euthanasia
6 if, in the opinion of a licensed veterinarian or a
7 veterinarian employed by the board, it is necessary to
8 euthanize the animal because the animal is experiencing
9 untreatable pain, is unreasonably suffering, is beyond
10 reasonable treatment or for other reasons recommended by the
11 veterinarian. The owner of the animal shall be liable for all
12 costs associated with the final disposition of the animal
13 under this subsection.

14

15 (e) If a bond has been posted in accordance with
16 subsections (b) or (c) of this section, the agency employing
17 the person authorized to enforce W.S. 6-3-203 may draw from
18 the bond the actual costs as described in subsection (b) of
19 this section, from the date of initial impoundment to the date
20 of final disposition of the animal.

21

22 **Section 2.** W.S. 11-29-101(a)(iii), 11-29-106, and
23 11-29-108 through 11-29-111 are amended to read:

24

1 **11-29-101. Definitions.**

2

3 (a) As used in this act:

4

5 (iii) "Torture," "torment", ~~or~~ "cruelty" or

6 "inhumanely treat" means every act, omission or neglect

7 whereby the willful and malicious infliction of pain,

8 starvation or suffering is caused, permitted or allowed to

9 continue when there is a reasonable remedy or relief;

10

11 **11-29-106. Livestock board; authority to prevent**

12 **cruelty; penalty for interference with officer.**

13

14 Any peace officer ~~or agent of the board~~ authorized to

15 enforce W.S. 6-3-203 may lawfully interfere to prevent the

16 perpetration of any act of cruelty upon any animal in his

17 presence. Any person who interferes with, obstructs or

18 resists any officer or agent in the discharge of his duty

19 shall be fined not less than two hundred dollars (\$200.00)

20 nor more than one thousand five hundred dollars

21 (\$1,500.00), or imprisoned not more than one (1) year, or

22 both.

23

1 **11-29-108. Livestock board; seized vehicles; lien on**
2 **seized chattels; civil action for unpaid expenses.**

3

4 When any person arrested or charged under ~~this act~~ W.S.
5 6-3-203 is in charge of any vehicle drawn by or containing
6 any animal treated cruelly ~~treated~~ at the time of arrest or
7 charging, ~~any the~~ peace officer, ~~agent or officer of the~~
8 ~~board~~ may take charge of the ~~animal and~~ vehicle and its
9 contents, and give notice thereof to the owner, if known. ~~7~~
10 ~~and shall provide for them until their owner takes~~
11 ~~possession of them.~~ The board or local government shall
12 have a lien on the ~~animals, the~~ vehicle and its contents
13 for the expense of the care and provision. The expense or
14 any part remaining unpaid may be recovered by the board or
15 local government in a civil action as provided in W.S.
16 11-29-110.

17

18 **11-29-109. Livestock board; care of abandoned**
19 **animals; civil action for expenses; lien.**

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21 Any peace officer, ~~agent or officer of the board~~ may take
22 charge of any animal found abandoned. ~~7, neglected or cruelly~~
23 ~~treated.~~ He shall give notice to the owner, if known, and
24 may care and provide for the animal until the owner takes

1 charge of the animal. The expenses of care and provision is
2 a charge against the owner of the animal and collectible
3 from the owner by the board or by the local government
4 employing the peace officer taking charge of the animal in
5 a civil action. The board or local government may detain
6 the animals until the expense for food, shelter and care is
7 paid and shall have a lien upon the animals therefore.

8

9 **11-29-110. Livestock board; enforcement of liens;**
10 **notice to owner.**

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12 Any person entitled to a lien under this act may enforce
13 the lien thirty (30) days after the date of impoundment by
14 selling the animals and other personal property upon which
15 the lien is given, at public auction, upon giving written
16 notice to the owner, if he is known, of the time and place
17 of the sale, at least five (5) days previous thereto, and
18 by posting three (3) notices of the time and place of the
19 sale in three (3) public places within the county at least
20 five (5) days previous thereto. If the owner is not known,
21 the notice shall be posted at least ten (10) days previous
22 to the sale.

23

1 **11-29-111. Livestock board; destruction of diseased**
 2 **animals.**

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4 Any ~~agent or peace~~ officer ~~of the board~~ may destroy or
 5 cause to be destroyed any animal in his charge when in his
 6 judgment and ~~by the written certificate of two (2)~~
 7 ~~reputable citizens called to view the animal in his~~
 8 ~~presence, one (1) of whom may be selected by the owner of~~
 9 ~~the animal if he so requests,~~ upon consultation with a
 10 licensed veterinarian or veterinarian employed by the board
 11 the animal appears to be injured, disabled, diseased past
 12 recovery or unfit for any useful purpose.

13

14 **Section 3.** W.S. 11-29-107 is repealed.
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16 **Section 4.** This act is effective immediately upon
 17 completion of all acts necessary for a bill to become law
 18 as provided by Article 4, Section 8 of the Wyoming
 19 Constitution.

20

21

(END)