

HOUSE BILL NO. HB0025

Cost of care bonding.

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

15 (a) Any person authorized to enforce W.S. 6-3-203 may
16 take possession of any animal treated cruelly as determined

1 by a licensed veterinarian or veterinarian employed by the
2 board.

3

4 (b) The owner of the animal impounded under
5 subsection (a) of this section, and who has been cited
6 under W.S. 6-3-203, shall be required to post a bond with
7 the circuit court in the county where the animal was
8 impounded. 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
17 (10) days after the animal is impounded.

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

23

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

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15 (e) If a bond has been posted in accordance with
16 subsection (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
20 date 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:

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

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3 (a) As used in this act:

4
5 (iii) "Torture," "torment" or "cruelty" means
6 every act, omission or neglect whereby the willful and
7 malicious infliction of pain, starvation or suffering is
8 caused, permitted or allowed to continue when there is a
9 reasonable remedy or relief not associated with common
10 animal management practices;

11
12 **11-29-106. Livestock board; authority to prevent**
13 **cruelty; penalty for interference with officer.**

14
15 Any peace officer ~~or agent of the board~~ authorized to
16 enforce W.S. 6-3-203 may lawfully interfere to prevent the
17 perpetration of any act of cruelty upon any animal in his
18 presence. Any person who interferes with, obstructs or
19 resists any officer or agent in the discharge of his duty
20 shall be fined not less than two hundred dollars (\$200.00)
21 nor more than one thousand five hundred dollars
22 (\$1,500.00), or imprisoned not more than one (1) year, or
23 both.

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

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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. ~~and shall provide for them until their owner takes~~
10 ~~possession of them.~~ The board or local government shall
11 have a lien on the ~~animals, the~~ vehicle and its contents
12 for the expense of the care and provision. The expense or
13 any part remaining unpaid may be recovered by the board or
14 local government in a civil action as provided in W.S.
15 11-29-110.

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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. ~~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.

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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.

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.

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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)