

SENATE FILE NO. SF0025

Animal impound proceedings - bond and disposition.

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

A BILL

for

1 AN ACT relating to crimes and offenses; amending  
2 enforcement provisions; providing for the possession and  
3 care of impounded animals as a result of charges; amending  
4 provisions relating to the cost and disposition of  
5 impounded animals; providing alternative processes as  
6 specified; providing for an expedited court hearing; and  
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 6-3-1001 is created to read:

12

13 **6-3-1001. Impounding and forfeiture hearing.**

14

1           (a) Any person with authority to enforce this article  
2 or W.S. 11-29-101 through 11-29-115 and who has probable  
3 cause to believe there has been a violation of this article  
4 may impound any animal treated cruelly. The following shall  
5 apply to impounding an animal under this subsection:

6

7           (i) If any animal is impounded under this  
8 subsection, the owner of the animal shall be liable for all  
9 reasonable costs of impoundment and shall be required to  
10 post a bond with the circuit court in the county where the  
11 animal was impounded. Reasonable costs of impoundment shall  
12 include, but are not limited to, costs for the  
13 transportation, board, nutritional care, veterinary care  
14 and diagnostic testing. The bond shall be:

15

16           (A) In an amount the circuit court  
17 determines is sufficient to provide for all reasonable  
18 costs of the animal's impoundment for at least ninety (90)  
19 days including the day on which the animal was impounded.  
20 The bond may also include an amount the circuit court  
21 determines sufficient to provide for the final disposition  
22 of the animal; and

23

1                   (B) Filed with the circuit court within ten  
2 (10) days after the animal is impounded.

3

4                   (ii) When the bond required by paragraph (i) of  
5 this subsection expires, if the owner of the animal desires  
6 to prevent disposition of the animal by the person with  
7 authority to enforce this article or W.S. 11-29-101 through  
8 11-29-115, the owner shall post a new bond with the court  
9 as described in paragraph (i) of this subsection. The court  
10 may correct, alter or otherwise adjust the new bond before  
11 the expiration date of the previous bond;

12

13                   (iii) If a bond is not posted under paragraphs  
14 (i) or (ii) of this subsection, the person with authority  
15 to enforce this article or W.S. 11-29-101 through 11-29-115  
16 shall dispose of the animal. As used in this section,  
17 "dispose" means to place for adoption, sell or destroy. The  
18 owner of the animal shall be liable for all costs  
19 associated with the final disposition of the animal under  
20 this subsection. Posting of a bond shall not prevent the  
21 person with authority to enforce this article or W.S.  
22 11-29-101 through 11-29-115 from disposing of the impounded  
23 animal before the expiration of the period covered by the

1 bond if the court orders the forfeiture of the animal  
2 pursuant to paragraph (vi) of this subsection or the owner  
3 voluntarily forfeits the animal. No animal shall be  
4 forfeited pursuant to paragraph (vi) of this subsection  
5 without a hearing pursuant to paragraphs (vi) through  
6 (viii) of this subsection, regardless of whether a bond is  
7 posted, if the animal is connected to the livelihood or  
8 ability to make a living of the owner;

9

10 (iv) If a bond has been posted in accordance  
11 with paragraph (i) or (ii) of this subsection, the person  
12 with authority to enforce this article or W.S. 11-29-101  
13 through 11-29-115 may draw from the bond the actual costs  
14 of the activities described in paragraph (i) of this  
15 subsection, from the date of initial impoundment to the  
16 date of final disposition of the animal;

17

18 (v) Upon the final disposition of the animal,  
19 any bond amount remaining that has not been expended in the  
20 impoundment and disposition of the animal shall be remitted  
21 to the owner of the animal;

22

1           (vi) A person with authority to enforce this  
2 article or W.S. 11-29-101 through 11-29-115 or other  
3 participant in the criminal action may file a petition in  
4 the criminal action requesting the court issue an order  
5 forfeiting the animal to the person with authority to  
6 enforce this article or W.S. 11-29-101 through 11-29-115  
7 if:

8  
9           (A) The animal is in the possession of and  
10 being held by a person with authority to enforce this  
11 article or W.S. 11-29-101 through 11-29-115;

12  
13           (B) The outcome of the criminal action  
14 charging a violation of this article is pending; and

15  
16           (C) The final disposition of the animal has  
17 not occurred.

18  
19           (vii) Upon receipt of a petition pursuant to  
20 paragraph (vi) of this subsection, the court shall set a  
21 hearing on the petition for forfeiture of the animal. The  
22 hearing shall be conducted within seven (7) days after the  
23 filing of the petition or as soon as practicable

1 thereafter. The hearing shall be limited to the question of  
2 forfeiture of the animal;

3

4 (viii) At a hearing conducted pursuant to  
5 paragraph (vii) of this subsection, the prosecutor shall  
6 have the burden of establishing probable cause to believe  
7 that the animal was subjected to a violation of this  
8 article. A prior finding of probable cause to proceed on  
9 the criminal case will create a rebuttable presumption that  
10 probable cause exists for the forfeiture proceeding. After  
11 the hearing, if the court finds probable cause exists, the  
12 court may order immediate forfeiture of the animal to the  
13 person with authority to enforce this article or W.S.  
14 11-29-101 through 11-29-115. If, after the hearing, the  
15 court finds no probable cause exists the animal shall be  
16 returned to the owner of the animal and the owner shall not  
17 be responsible for any costs of the impoundment incurred  
18 after a finding of no probable cause unless the person  
19 later pleads guilty to or is found guilty of a violation of  
20 this article.

21

22 **Section 2.** W.S. 11-29-114(a), (b)(intro), (i), (c)  
23 through (e) and by creating new subsections (f) through

1 (j), as amended by 2021 Senate Enrolled Act 12, 2021 Senate  
2 File 0026, and signed by the governor on February 5, 2021,  
3 is amended to read:

4

5 **11-29-114. Impoundment of livestock animals; cost of**  
6 **care for livestock animals; providing for bond, forfeiture**  
7 **hearing.**

8

9 (a) Any ~~peace officer, agent or officer of the board~~  
10 person with authority to enforce this chapter or W.S.  
11 6-3-203 who has probable cause to believe there has been a  
12 violation of this chapter may ~~take possession of~~ impound  
13 any livestock animal treated cruelly. ~~as determined by a~~  
14 ~~Wyoming licensed veterinarian or veterinarian employed by~~  
15 ~~the board.~~

16

17 (b) If any livestock animal is impounded under  
18 subsection (a) of this section, the owner of the livestock  
19 animal ~~impounded under subsection (a) of this section, and~~  
20 ~~who has been cited under W.S. 6-3-203,~~ shall be liable for  
21 all reasonable costs of impoundment and shall be required  
22 to post a bond with the circuit court in the county where  
23 the livestock animal was impounded. Reasonable costs of

1 impoundment shall include, but are not limited to, costs  
2 for the transportation, board, nutritional care, veterinary  
3 care and diagnostic testing. The bond shall be:

4  
5 (i) In an amount the circuit court determines is  
6 sufficient to provide for all reasonable costs of the  
7 livestock animal's ~~board, nutritional care, veterinary care~~  
8 ~~and diagnostic testing~~ impoundment for at least ninety (90)  
9 days including the day on which the livestock animal was  
10 impounded. The bond may also include an amount the circuit  
11 court determines sufficient to provide for the final  
12 disposition of the livestock animal; and

13  
14 (c) When the bond expires, if the owner of the  
15 livestock animal desires to prevent disposition of the  
16 livestock animal by the ~~board~~ person with authority to  
17 enforce this chapter or W.S. 6-3-203, the owner shall post  
18 a new bond with the court as described in subsection (b) of  
19 this section. The court may correct, alter or otherwise  
20 adjust the new bond upon a motion made before the  
21 expiration date of the previous bond.

22



1           (d) If a bond is not posted under subsection (b) or  
2 (c) of this section, the ~~board~~person with authority to  
3 enforce this chapter or W.S. 6-3-203 shall dispose of the  
4 livestock animal. ~~as defined in W.S. 11-24-101(a)(iv)~~As  
5 used in this section, "dispose" means as defined in W.S.  
6 11-24-101(a)(iv), and shall also mean to place for  
7 adoption. The owner of the livestock animal shall be liable  
8 for all costs associated with the final disposition of the  
9 livestock animal under this subsection. Posting of a bond  
10 shall not prevent the person with authority to enforce this  
11 chapter or W.S. 6-3-203 from disposing of the impounded  
12 livestock animal before the expiration of the period  
13 covered by the bond if the court orders the forfeiture of  
14 the livestock animal pursuant to subsection (g) of this  
15 section or the owner voluntarily forfeits the livestock  
16 animal. No animal shall be forfeited without a hearing  
17 pursuant to subsections (g) through (j) of this section,  
18 regardless of whether a bond is posted, if the animal is  
19 connected to the livelihood or ability to make a living of  
20 the owner.

21

22           (e) If a bond has been posted in accordance with  
23 subsection (b) or (c) of this section, the ~~agency employing~~

1 ~~the officer, or the board~~ person with authority to enforce  
2 this chapter or W.S. 6-3-203, may draw from the bond the  
3 actual costs as described in subsection (b) of this  
4 section, from the date of initial impoundment to the date  
5 of final disposition of the livestock animal.

6  
7 (f) Upon the final disposition of the livestock  
8 animal, any bond amount remaining that has not been  
9 expended in the impoundment of the livestock animal shall  
10 be remitted to the owner or keeper of the livestock animal.

11  
12 (g) A person with authority to enforce this chapter  
13 or W.S. 6-3-203 or other participant in the criminal  
14 action, may file a petition in the criminal action  
15 requesting that the court issue an order forfeiting the  
16 livestock animal to the person with authority to enforce  
17 this chapter or W.S. 6-3-203 if:

18  
19 (i) The livestock animal is in the possession of  
20 and being held by a person with authority to enforce this  
21 chapter or W.S. 6-3-203;

22

1           (ii) The outcome of the criminal action charging  
2 a violation of this chapter is pending; and

3  
4           (iii) The final disposition of the livestock  
5 animal has not occurred.

6  
7           (h) Upon receipt of a petition pursuant to subsection  
8 (g) of this section, the court shall set a hearing on the  
9 petition for forfeiture of the livestock animal. The  
10 hearing shall be conducted within seven (7) days after the  
11 filing of the petition or as soon as practicable  
12 thereafter. The hearing shall be limited to the question of  
13 forfeiture of the livestock animal.

14  
15           (j) At a hearing conducted pursuant to subsection (h)  
16 of this section, the prosecutor shall have the burden of  
17 establishing probable cause to believe that the livestock  
18 animal was subjected to a violation of this chapter. A  
19 prior finding of probable cause to proceed on the criminal  
20 case will create a rebuttable presumption that probable  
21 cause exists for the forfeiture proceeding. After the  
22 hearing, if the court finds probable cause exists, the  
23 court may order immediate forfeiture of the livestock

1 animal to the person with authority to enforce this chapter  
2 or W.S. 6-3-203. If, after the hearing, the court finds  
3 that no probable cause exists the livestock animal may be  
4 returned to the owner or keeper of the livestock animal and  
5 the owner or keeper shall not be responsible for any  
6 reasonable costs of the impoundment unless the person later  
7 pleads guilty to or is found guilty of a violation of this  
8 chapter.

9

10 **Section 3.** This act is effective July 1, 2021.

11

12

(END)