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"Section 1. W.S. 6-3-1010 is created to read:

**6-3-1010. Impounding and forfeiture hearing.**

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

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

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

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

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

(iii) If a bond is not posted under paragraphs (i) or (ii) of this subsection, the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 shall dispose of the animal. As used in this section, "dispose" means to place for adoption, sell or destroy. The owner of the animal shall be liable for all costs associated with the final disposition of the animal

1 under this subsection. Posting of a bond shall not prevent the  
2 person with authority to enforce this article or W.S. 11-29-101  
3 through 11-29-115 from disposing of the impounded animal before  
4 the expiration of the period covered by the bond if the court  
5 orders the forfeiture of the animal pursuant to paragraph (vi) of  
6 this subsection or the owner voluntarily forfeits the animal. No  
7 animal shall be forfeited pursuant to paragraph (vi) of this  
8 subsection without a hearing pursuant to paragraphs (vi) through  
9 (viii) of this subsection, regardless of whether a bond is posted,  
10 if the animal is connected to the livelihood or ability to make a  
11 living of the owner;

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13 (iv) If a bond has been posted in accordance with  
14 paragraph (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 may  
16 draw from the bond the actual costs of the activities described in  
17 paragraph (i) of this subsection, from the date of initial  
18 impoundment to the date of final disposition of the animal;

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

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25 (vi) A person with authority to enforce this article or  
26 W.S. 11-29-101 through 11-29-115 or other participant in the  
27 criminal action may file a petition in the criminal action  
28 requesting the court issue an order forfeiting the animal to the  
29 person with authority to enforce this article or W.S. 11-29-101  
30 through 11-29-115 if:

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32 (A) The animal is in the possession of and being  
33 held by a person with authority to enforce this article or W.S.  
34 11-29-101 through 11-29-115;

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36 (B) The outcome of the criminal action charging a  
37 violation of this article is pending; and

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39 (C) The final disposition of the animal has not  
40 occurred.

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42 (vii) Upon receipt of a petition pursuant to paragraph  
43 (vi) of this subsection, the court shall set a hearing on the  
44 petition for forfeiture of the animal. The hearing shall be  
45 conducted within seven (7) days after the filing of the petition  
46 or as soon as practicable thereafter. The hearing shall be limited  
47 to the question of forfeiture of the animal;

1  
2 (viii) At a hearing conducted pursuant to paragraph  
3 (vii) of this subsection, the prosecutor shall have the burden of  
4 establishing probable cause to believe that the animal was  
5 subjected to a violation of this article. A prior finding of  
6 probable cause to proceed on the criminal case will create a  
7 rebuttable presumption that probable cause exists for the  
8 forfeiture proceeding. After the hearing, if the court finds  
9 probable cause exists, the court may order immediate forfeiture of  
10 the animal to the person with authority to enforce this article or  
11 W.S. 11-29-101 through 11-29-115. If, after the hearing, the court  
12 finds no probable cause exists the animal shall be returned to the  
13 owner of the animal and the owner shall not be responsible for any  
14 costs of the impoundment incurred after a finding of no probable  
15 cause unless the person later pleads guilty to or is found guilty  
16 of a violation of this article."

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18 Page 1-line 11 Delete entirely.

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20 Page 1-line 12 Delete "(q) and" and insert "**Section 2.** W.S."

21  
22 Page 1-line 13 Delete "are" and insert ", as amended by 2021  
23 Senate Enrolled Act 12, 2021 Senate File 26,  
24 and signed by the governor on February 5,  
25 2021, is".

26  
27 Pages 2 through 5 Delete entirely, including the Senate standing  
28 committee amendment (SF0025SS001/A) to these  
29 pages.

30  
31 Page 6-lines 1 through 16 Delete entirely.

32  
33 Page 7-lines 7 through 16 Delete entirely and insert:

34  
35 "(b) If any livestock animal is impounded under subsection  
36 (a) of this section, the owner of the livestock animal impounded  
37 under subsection (a) of this section, and who has been cited under  
38 W.S. 6-3-1002, 6-3-1003 or 6-3-1005, shall be liable for all  
39 reasonable costs of impoundment and shall be required to post a  
40 bond with the circuit court in the county where the livestock  
41 animal was impounded. Reasonable costs of impoundment shall  
42 include, but are not limited to, costs for the transportation,  
43 board, nutritional care, veterinary care and diagnostic testing.  
44 The bond shall be:". NETHERCOTT