

## 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. 6-3-203 by creating a new subsection  
12 (q) and 11-29-114(a), (b)(intro), (i), (c) through (e) and  
13 by creating new subsections (f) through (j) are amended to  
14 read:

15

1           **6-3-203. Cruelty to animals; penalties; limitation on**  
2 **manner of destruction.**

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

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

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

1 determines sufficient to provide for the final disposition  
2 of the animal; and

3  
4 (B) Filed with the circuit court within ten  
5 (10) days after the animal is impounded.

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

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

1 person with authority to enforce this section or W.S.  
2 11-29-101 through 11-29-115 from disposing of the impounded  
3 animal before the expiration of the period covered by the  
4 bond if the court orders the forfeiture of the animal  
5 pursuant to paragraph (vi) of this subsection or the owner  
6 voluntarily forfeits the animal;

7  
8 (iv) If a bond has been posted in accordance  
9 with paragraph (i) or (ii) of this subsection, the person  
10 with authority to enforce this section or W.S. 11-29-101  
11 through 11-29-115, may draw from the bond the actual costs  
12 as described in paragraph (i) of this subsection, from the  
13 date of initial impoundment to the date of final  
14 disposition of the animal;

15  
16 (v) Upon the final disposition of the animal,  
17 any bond amount remaining that has not been expended in the  
18 impoundment of the animal shall be remitted to the owner or  
19 keeper of the animal;

20  
21 (vi) A person with authority to enforce this  
22 section or W.S. 11-29-101 through 11-29-115 or other  
23 participant in the criminal action, may file a petition in

1 the criminal action requesting that the court issue an  
2 order forfeiting the animal to the person with authority to  
3 enforce this section or W.S. 11-29-101 through 11-29-115  
4 if:

5  
6 (A) The animal is in the possession of and  
7 being held by a person with authority to enforce this  
8 section or W.S. 11-29-101 through 11-29-115;

9  
10 (B) The outcome of the criminal action  
11 charging a violation of this section is pending; and

12  
13 (C) The final disposition of the animal has  
14 not occurred.

15  
16 (vii) Upon receipt of a petition pursuant to  
17 paragraph (vi) of this subsection, the court shall set a  
18 hearing on the petition for forfeiture of the animal. The  
19 hearing shall be conducted within fourteen (14) days after  
20 the filing of the petition or as soon as practicable  
21 thereafter. The hearing shall be limited to the question of  
22 forfeiture of the animal;

23

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

17

18           **11-29-114. Impoundment of livestock animals; cost of**  
19 **care for livestock animals; providing for bond, forfeiture**  
20 **hearing.**

21

22           (a) Any ~~peace officer, agent or officer of the board~~  
23 person with authority to enforce this chapter or W.S.

1 6-3-203 who has probable cause to believe there has been a  
2 violation of this chapter may ~~take possession of~~ impound  
3 any livestock animal treated cruelly. ~~as determined by a~~  
4 ~~Wyoming licensed veterinarian or veterinarian employed by~~  
5 ~~the board.~~

6  
7 (b) If any livestock animal is impounded under  
8 subsection (a) of this section, the owner of the livestock  
9 animal ~~impounded under subsection (a) of this section,~~ and  
10 ~~who has been cited under W.S. 6-3-203,~~ shall be liable for  
11 all reasonable cost of impoundment and shall be required to  
12 post a bond with the circuit court in the county where the  
13 livestock animal was impounded. Reasonable costs of  
14 impoundment shall include, but are not limited to, costs  
15 for transportation, board, nutritional care, veterinary  
16 care and diagnostic testing. The bond shall be:

17  
18 (i) In an amount the circuit court determines is  
19 sufficient to provide for all reasonable costs of the  
20 livestock animal's ~~board, nutritional care, veterinary care~~  
21 ~~and diagnostic testing~~ impoundment for at least ninety (90)  
22 days including the day on which the livestock animal was  
23 impounded. The bond may also include an amount the circuit

1 court determines sufficient to provide for the final  
2 disposition of the livestock animal; and

3  
4 (c) When the bond expires, if the owner of the  
5 livestock animal desires to prevent disposition of the  
6 livestock animal by the ~~board~~person with authority to  
7 enforce this chapter or W.S. 6-3-203, the owner shall post  
8 a new bond with the court as described in subsection (b) of  
9 this section. The court may correct, alter or otherwise  
10 adjust the new bond upon a motion made before the  
11 expiration date of the previous bond.

12  
13 (d) If a bond is not posted under subsection (b) or  
14 (c) of this section, the ~~board~~person with authority to  
15 enforce this chapter or W.S. 6-3-203 shall dispose of the  
16 livestock animal. ~~as defined in W.S. 11-24-101(a)(iv)~~As  
17 used in this section, "dispose" means as defined in W.S.  
18 11-24-101(a)(iv), and shall also mean to place for  
19 adoption. The owner of the livestock animal shall be liable  
20 for all costs associated with the final disposition of the  
21 livestock animal under this subsection. Posting of a bond  
22 shall not prevent the person with authority to enforce this  
23 chapter or W.S. 6-3-203 from disposing of the impounded

1 livestock animal before the expiration of the period  
2 covered by the bond if the court orders the forfeiture of  
3 the livestock animal pursuant to subsection (g) of this  
4 section or the owner voluntarily forfeits the livestock  
5 animal.

6  
7 (e) If a bond has been posted in accordance with  
8 subsection (b) or (c) of this section, the ~~agency employing~~  
9 ~~the officer, or the board~~ person with authority to enforce  
10 this chapter or W.S. 6-3-203, may draw from the bond the  
11 actual costs as described in subsection (b) of this  
12 section, from the date of initial impoundment to the date  
13 of final disposition of the livestock animal.

14  
15 (f) Upon the final disposition of the livestock  
16 animal, any bond amount remaining that has not been  
17 expended in the impoundment of the livestock animal shall  
18 be remitted to the owner or keeper of the livestock animal.

19  
20 (g) A person with authority to enforce this chapter  
21 or W.S. 6-3-203 or other participant in the criminal  
22 action, may file a petition in the criminal action  
23 requesting that the court issue an order forfeiting the

1 livestock animal to the person with authority to enforce  
2 this chapter or W.S. 6-3-203 if:

3

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

7

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

10

11 (iii) The final disposition of the livestock  
12 animal has not occurred.

13

14 (h) Upon receipt of a petition pursuant to subsection  
15 (g) of this section, the court shall set a hearing on the  
16 petition for forfeiture of the livestock animal. The  
17 hearing shall be conducted within fourteen (14) days after  
18 the filing of the petition or as soon as practicable  
19 thereafter. The hearing shall be limited to the question of  
20 forfeiture of the livestock animal.

21

22 (j) At a hearing conducted pursuant to subsection (h)  
23 of this section, the prosecutor shall have the burden of

1 establishing probable cause to believe that the livestock  
2 animal was subjected to a violation of this chapter. A  
3 prior finding of probable cause to proceed on the criminal  
4 case will create a rebuttable presumption that probable  
5 cause exists for the forfeiture proceeding. After the  
6 hearing, if the court finds probable cause exists, the  
7 court may order immediate forfeiture of the livestock  
8 animal to the person with authority to enforce this chapter  
9 or W.S. 6-3-203. If, after the hearing, the court finds  
10 that no probable cause exists the livestock animal may be  
11 returned to the owner or keeper of the livestock animal and  
12 the owner or keeper shall not be responsible for any  
13 reasonable costs of the impoundment unless the person later  
14 pleads guilty to or is found guilty of a violation of this  
15 chapter.

16

17 **Section 2.** This act is effective July 1, 2021.

18

19

(END)