

2020 Regular Session

SENATE BILL NO. 425

BY SENATOR CARTER

ANIMALS. Provides relative to the disposition of dogs and other animals used in dogfighting. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:102.6, relative to dogfighting; to provide relative to the
3 disposition of dogs and other animals used in dogfighting; to require the appointment
4 of a licensed veterinarian or other suitable custodian to care for animals; to provide
5 relative to euthanasia; to provide relative to transfer of ownership; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:102.6 is hereby amended and reenacted to read as follows:

9 §102.6. Seizure and destruction or disposition of dogs and equipment used in
10 dogfighting

11 A.(1) Any law enforcement officer making an arrest under R.S. 14:102.5 may
12 lawfully take possession of all ~~fighting dogs~~ **or other animals** on the premises where
13 the arrest is made or in the immediate possession or control of the person being
14 arrested, whether or not the dogs are actually engaged in a fight at the time, and all
15 paraphernalia, implements, equipment, or other property or things used or employed
16 in violation of that Section.

17 (2) ~~The legislature finds and declares that fighting dogs used or employed in~~

1 ~~violation of R.S. 14:102.5 are dangerous, vicious, and a threat to the health and~~
2 ~~safety of the public. Therefore, fighting dogs seized in accordance with this Section~~
3 ~~are declared to be contraband and, notwithstanding R.S. 14:102.1, the officer, an~~
4 ~~animal control officer, or a licensed veterinarian may cause them to be humanely~~
5 ~~euthanized as soon as possible by a licensed veterinarian or a qualified technician~~
6 ~~and shall not be civilly or criminally liable for so doing. Fighting dogs not destroyed~~
7 ~~immediately shall be disposed of in accordance with R.S. 14:102.2.~~

8 B.(1) The officer, after taking possession of any dogs **dog or other animal**
9 ~~other than those destroyed or disposed of pursuant to Subsection A~~ and of the other
10 paraphernalia, implements, equipment, or other property or things, shall file with the
11 district court of the parish within which the alleged violation occurred an affidavit
12 stating therein the name of the person charged, a description of the property so taken
13 and the time and place of the taking thereof, together with the name of the person
14 who claims to own such property, if known, and that the affiant has reason to believe
15 and does believe, stating the ground of such belief, that the property so taken was
16 used or employed in such violation.

17 (2) The seizing officer shall dispose of any dogs or other animals seized in
18 the manner provided for in R.S. 14:102.2. **The seizing officer shall appoint a**
19 **licensed veterinarian or other suitable custodian to care for any such animal.**

20 **(3) Each dog or other animal shall be individually assessed by the**
21 **veterinarian or custodian to determine whether the animal is suitable for**
22 **placement. Animals may be re-homed if the veterinarian or custodian has**
23 **acquired legal possession of the dog and notified the adopting owner that the**
24 **animal was seized in connection with a charge of dogfighting. Prior to**
25 **placement, the dog or other animal shall be sterilized and microchipped at the**
26 **expense of the new owner.**

27 **(4) The veterinarian or custodian may euthanize a dog or other animal**
28 **with no owner that is seized in connection with a charge of dogfighting if the**
29 **animal is determined to be an unsuitable pet. Any euthanization shall be**

1 conducted in a humane manner by a licensed veterinarian or a certified animal
2 euthanasia technician after the hold period has expired.

3 (3) He ~~(5) The seizing officer~~ shall ~~thereupon~~ deliver the any other property
4 so taken to such court which shall, by order in writing, place such paraphernalia,
5 implements, equipment, or other property in the custody of a suitable custodian, to
6 be kept by such custodian until the conviction or final discharge of the accused, and
7 shall send a copy of such order without delay to the district attorney of the parish.
8 The custodian so named and designated in such order shall immediately thereupon
9 assume the custody of such property and shall retain the same, subject to the order
10 of the court before which the accused shall be required to appear for trial.

11 C. Any person claiming an interest in a seized animal may post a bond with
12 the court in accordance with the provisions of R.S. 14:102.2(C) in order to ~~prevent~~
13 delay the disposition of such animal until a court order is issued pursuant to
14 Subsection D of this Section.

15 D. Upon conviction of the person so charged, all dogs so seized shall be
16 adjudged by the court to be forfeited and the court shall order a humane disposition
17 of the same in accordance with R.S. 14:102.2. The court may also in its discretion
18 order the forfeiture of the bond posted, as well as payment of any reasonable or
19 additional costs incurred in the boarding or veterinary treatment of any seized dog,
20 as provided in R.S. 14:102.2. In the event of the acquittal or final discharge, without
21 conviction, of the accused, the court shall, on demand, direct the delivery of the
22 animals and other property so held in custody to the owner thereof and order the
23 return of any bond posted pursuant to R.S. 14:102.2(C), less reasonable
24 administrative costs. Nothing in this Subsection shall preclude the accused from
25 transferring ownership, in writing, to the custodian of the animal or the court
26 from ordering such a transfer of ownership.

27 Section 2. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 425 Original

2020 Regular Session

Carter

Present law (R.S. 14:102.6) provides for the seizure and destruction or disposition of dogs and equipment used in dogfighting. Authorizes any law enforcement officer to make arrests and lawfully take possession of all dogs on the premises where the arrest is made or in the immediate possession or control of the person being arrested and all paraphernalia, implements, equipment, or other property or things used or employed in violation of present law.

Proposed law authorizes a law enforcement officer to take possession of other animals on the premises where the arrest is made and otherwise retains present law.

Present law provides for legislative findings that fighting dogs are dangerous, vicious, and a threat to the health and safety of the public. Fighting dogs seized in accordance with present law are declared to be contraband and the officer, an animal control officer, or a licensed veterinarian may cause them to be humanely euthanized as soon as possible by a licensed veterinarian or a qualified technician and shall not be civilly or criminally liable for so doing. Fighting dogs not destroyed immediately shall be disposed of in accordance with present law.

Proposed law repeals present law.

Proposed law requires the seizing officer to appoint a licensed veterinarian or other suitable custodian to care for seized animals.

Proposed law requires each dog or other animal to be individually assessed by the veterinarian or custodian to determine whether the animal is suitable for placement.

Proposed law authorizes animals to be re-homed if the veterinarian or custodian has acquired legal possession of the dog and notified the adopting owner that the animal was seized in connection with a charge of dogfighting.

Proposed law requires the dog or other animal to be sterilized and microchipped at the expense of the new owner prior to placement.

Proposed law authorizes the veterinarian or custodian to euthanize a dog or other animal with no owner that is seized in connection with a charge of dogfighting if the animal is determined to be an unsuitable pet.

Proposed law requires any euthanization to be conducted in a humane manner by a licensed veterinarian or a certified animal euthanasia technician after the hold period has expired.

Proposed law does not preclude the accused from transferring ownership, in writing, to the custodian of the animal or the court from ordering such a transfer of ownership.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:102.6)