

2021 Regular Session

HOUSE BILL NO. 231

BY REPRESENTATIVE MARCELLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ANIMALS: Provides relative to the disposition of dogs and other animals used in dogfighting

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 custodian to care for and assess the dogs or other
5 animals; to provide relative to euthanasia of dogs or other animals seized in
6 connection with dogfighting; to provide relative to the transfer of ownership of the
7 animals; to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §102.6. Seizure and destruction or disposition of dogs or other animals and
11 equipment used in dogfighting

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

18 ~~(2) The legislature finds and declares that fighting dogs used or employed~~
19 ~~in violation of R.S. 14:102.5 are dangerous, vicious, and a threat to the health and~~
20 ~~safety of the public. Therefore, fighting dogs seized in accordance with this Section~~

1 ~~are declared to be contraband and, notwithstanding R.S. 14:102.1, the officer, an~~
2 ~~animal control officer, or a licensed veterinarian may cause them to be humanely~~
3 ~~euthanized as soon as possible by a licensed veterinarian or a qualified technician~~
4 ~~and shall not be civilly or criminally liable for so doing. Fighting dogs not destroyed~~
5 ~~immediately shall be disposed of in accordance with R.S. 14:102.2.~~

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

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

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

25 (4) The veterinarian or custodian may euthanize a dog or other animal with
26 no owner that is seized in connection with a charge of dogfighting if the dog or other
27 animal is determined to be an unsuitable pet. Any euthanization shall be conducted
28 in a humane manner by a licensed veterinarian or a certified animal euthanasia
29 technician after the hold period, as provided for in R.S. 14:102.2, has expired.

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

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

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

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 231 Original

2021 Regular Session

Marcelle

Abstract: Authorizes law enforcement officers to lawfully take possession of all dogs or other animals on premises where an arrest is made for dogfighting and provides relative to the appointment of and assessment by licensed veterinarians or other custodians for the care of the seized dogs or other animals.

Present law (R.S. 14:102.5) provides for the crime of dogfighting.

Proposed law retains present law.

Present law (R.S. 14:102.6) authorizes law enforcement officers to lawfully take possession of all fighting dogs on the premises where an arrest is made or in the immediate possession or control of the person being arrested for dogfighting.

Proposed law amends present law to authorize law enforcement officers to lawfully take possession of all dogs or other animals on the premises where an arrest is made or in the immediate possession or control of the person being arrested for dogfighting.

Present law provides for legislative findings that fighting dogs are dangerous, vicious, and a threat to the health and safety of the public. Further provides that 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. Prohibits civil or criminal liability when a fighting dog is humanely euthanized.

Proposed law removes present law.

Present law requires the seizing officer to dispose of any dogs or other animals seized in the manner provided for in present law (R.S. 14:102.2).

Proposed law retains present law and requires the seizing officer to appoint a licensed veterinarian or other suitable custodian to care for any animal that is seized and also requires the veterinarian or custodian to individually assess each dog or other animal to determine whether the animal is suitable for placement. Further provides that an animal may be rehomed if the veterinarian or custodian has acquired legal possession of the dog or other animal and has notified the adopting owner that the animal was seized in connection with a charge of dogfighting.

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 dog or other animal is determined to be an unsuitable pet. Provides that any euthanasia shall be conducted in a humane manner by a licensed veterinarian or a certified animal euthanasia technician after the hold period, as provided for in present law (R.S. 14:102.2), has expired.

Present law provides that upon a person's conviction, all dogs seized shall be adjudged by the court to be forfeited and the court shall order a humane disposition. Authorizes the court to order the forfeiture of the bond posted, as well as payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized dog. Further provides that in the event of acquittal or final discharge, without conviction, of the accused, the court is required to direct the delivery of the animals and other property held in custody to the

owner and order the return of any bond posted pursuant to present law (R.S. 14:102.2), less reasonable administrative costs.

Proposed law retains present law and provides that nothing shall 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 governor or lapse of time for gubernatorial action.

(Amends R.S. 14:102.6)