

House Law Enforcement and Criminal Justice Committee
February 18, 2025

Bill: HB 461 – Animal Crime Victim Amendments

Sponsor: Representative

For Sponsor: Undeclared

UASD Position: Tracking

This Bill modifies provisions related to the release and forfeiture of an animal that is being held because of abuse or involvement in a crime.

Discussion: The Committee adopted the 1st substitute for the Bill, which establishes a process to permit the release or transfer of an animal held in a shelter due to abuse or involvement in a crime, even while legal resolution of the case is ongoing. It introduces a criminal penalty for unlawfully granting access to an animal that has been forfeited due to abuse or criminal activity. The Bill also allows a peace officer, with a warrant, to enter premises or a vehicle to take custody of an animal being criminally mistreated or associated with a crime and requires that the owner or possessor be notified. A shelter or government counsel may file a motion for a court review to determine whether an animal should be forfeited or transferred to alternative care. The Bill outlines procedures for hearings, including the right for the animal's owner to be heard, and establishes processes for placement if ownership is forfeited. Additionally, the court may order the animal's owner to pay for costs associated with sheltering the animal due to their criminal activity and may require individuals involved in animal abuse or criminal activity to complete an educational or animal cruelty prevention program. The substitute language also provides cross-references for the forfeiture procedure.

A field manager from Salt Lake County Animal Services presented alongside the sponsor, explaining that the Bill aims to address the issue of animals removed due to abuse or an owner's incarceration, which often results in prolonged stays in shelters at taxpayer expense while court proceedings are ongoing. The Bill is designed to protect pets by allowing for timely rehoming and ensuring that the abuser is held responsible for medical care and sheltering costs. It only applies to domestic animals. Representative Strong expressed concerns regarding provisions related to incarcerated owners. Questions were raised about the class C misdemeanor for encouraging animal abuse. A Salt Lake County prosecutor clarified that this misdemeanor would apply to anyone who takes custody of an animal removed due to abuse only to return it to the abusive owner. Concerns were also raised about rehoming an animal before the resolution of the case. An individual, which could be the shelter, would need to bring a suit before a judge and provide evidence of abuse before an animal could be rehomed against the owner's wishes. As a result of these concerns, the Committee chose to hold the Bill to address these lingering questions. If amendments can be drafted to address the concerns of the Committee, the Bill will be placed on the agenda for February 20th.

Yeas: 5

Nays: 1

N/V: 5

Outcome: HB 461 was held in Committee.

UNASSD