

REFERENCE TITLE: animal seizure; notification; offense

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1603

Introduced by
Senator Bolick

AN ACT

AMENDING SECTION 13-4281, ARIZONA REVISED STATUTES; RELATING TO THE
AUTHORITY TO SEIZE ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-4281, Arizona Revised Statutes, is amended to
3 read:

4 13-4281. Animal seizure; notification; forfeiture; bond;
5 hearing; exceptions; animal care fees;
6 classification

7 A. A PEACE OFFICER, COUNTY ENFORCEMENT AGENT OR ANIMAL CONTROL
8 OFFICER MAY SEIZE AND IMPOUND AN ANIMAL PURSUANT TO THIS SECTION AS
9 FOLLOWS:

- 10 1. FOR A VIOLATION OF SECTION 13-2910.
11 2. PURSUANT TO A SEARCH WARRANT OR OTHER COURT PROCESS.
12 3. IF THE PEACE OFFICER, COUNTY ENFORCEMENT AGENT OR ANIMAL CONTROL
13 OFFICER HAS REASONABLE GROUNDS TO BELIEVE ANY OF THE FOLLOWING:

14 (a) THE ANIMAL IS IN DISTRESS CAUSED BY MISTREATMENT, LACK OF
15 PROPER FOOD OR POTABLE WATER, LACK OF MEDICAL TREATMENT, INJURY, ILLNESS,
16 PHYSICAL IMPAIRMENT OR PARASITES.

17 (b) THE ANIMAL'S WELL-BEING IS THREATENED BY A DANGEROUS CONDITION
18 OR CIRCUMSTANCE.

19 (c) THE SEIZURE IS NECESSARY TO PROTECT THE HEALTH OR SAFETY OF THE
20 ANIMAL OR ANOTHER ANIMAL.

21 ~~A.~~ B. A peace officer, county enforcement agent or animal control
22 officer who lawfully seizes an animal pursuant to THIS section ~~13-2910~~
23 shall affix a notice of seizure in a conspicuous place where the animal
24 was found or personally deliver the notice of seizure to the owner or
25 keeper of the animal, if known or ascertainable after reasonable
26 investigation. The officer or agent shall file proof of service with the
27 court. If it is determined that the suffering of the animal does not
28 require humane ~~destruction~~ EUTHANASIA, the notice shall include the
29 following:

30 1. The name, business address and telephone number of the person
31 providing the notice.

32 2. A description of the seized animal, **INCLUDING ANY IDENTIFICATION**
33 **ON THE ANIMAL.**

34 3. The authority and purpose for the seizure, including the time,
35 place and circumstance under which the animal was seized.

36 4. A statement that in order to receive a postseizure hearing the
37 owner or person authorized to keep the animal, or the ~~owner~~ **OWNER'S** or
38 person's agent, shall request the hearing by signing and returning to the
39 court an enclosed declaration of ownership or right to keep the animal
40 within ten days, including weekends and holidays, after the date of the
41 notice.

1 5. A statement that the owner is responsible for the cost of ~~care~~
2 VETERINARY, IMPOUND AND BOARD FEES for an animal that was properly seized
3 and that the owner is required to post a bond in the amount of ~~twenty-five~~
4 ~~dollars~~ \$25 per animal with the court to defray the cost of ~~care~~
5 VETERINARY, IMPOUND AND BOARD FEES FOR THE ANIMAL.

6 6. A warning that if the owner fails to post a bond within ten days
7 after the seizure, the animal will be deemed abandoned and become the
8 property of the seizing agency.

9 ~~B.~~ C. On receipt of a declaration of ownership and postseizure
10 hearing request, the justice of the peace or city magistrate shall set a
11 hearing date within fifteen business days. At the hearing, the seizing
12 agency shall have the burden of establishing by a preponderance of
13 evidence that the animal was ~~subjected to cruel mistreatment, cruel~~
14 ~~neglect or abandonment in violation of section 13-2910 or will suffer~~
15 ~~needlessly if humane destruction is delayed~~ LAWFULLY SEIZED PURSUANT TO
16 THIS SECTION. THE FORMAL RULES OF EVIDENCE DO NOT APPLY AND RELIABLE
17 HEARSAY IS ADMISSIBLE IN THE POSTSEIZURE HEARING. On this finding, the
18 court may terminate the owner's rights in the animal, ~~and transfer the~~
19 ~~rights to the seizing agency or a designated animal care agency and~~ shall
20 forfeit the bond to pay the expenses incurred for the housing, care and
21 treatment of the animal. If at the conclusion of the hearing the animal
22 is not forfeited under this section, the court shall order the bond
23 exonerated and returned to the owner.

24 ~~C.~~ D. If the owner or person authorized to keep the animal SIGNS A
25 STATEMENT RELINQUISHING OWNERSHIP OF THE ANIMAL, fails to post bond as
26 prescribed by subsection ~~A~~ B, paragraph 5 of this section, fails to
27 request a hearing or fails to attend a scheduled hearing, the animal is
28 deemed abandoned and all rights of the owner in the animal are transferred
29 to the seizing agency.

30 ~~D.~~ E. This section does not apply to any of the following:
31 1. Activities permitted by or pursuant to title 3.
32 2. The seizure of an equine pursuant to section 3-1721.
33 3. A city, town or county that adopts or has adopted an ordinance
34 or resolution providing for bonding and forfeiture of an animal that has
35 suffered cruel mistreatment or cruel neglect if the ordinance or
36 resolution imposes requirements that are equal TO or more stringent than
37 this section.

38 F. THE SEIZING AGENCY MAY CONTRACT WITH A PERSON, AGENCY OR
39 SHELTER, INCLUDING A VOLUNTEER, TO HOUSE, CARE FOR AND PROVIDE NECESSARY
40 MEDICAL TREATMENT FOR AN ANIMAL THAT HAS BEEN SEIZED AND IMPOUNDED
41 PURSUANT TO THIS SECTION.

1 G. THE CIVIL PROCEDURES AND REMEDIES UNDER THIS SECTION:
2 1. DO NOT REQUIRE OR PRECLUDE OTHER ENFORCEMENT ACTIONS ON THE SAME
3 FACTS, INCLUDING A CRIMINAL PROSECUTION OF THE OWNER.
4 2. ARE REMEDIAL AND NOT PUNITIVE AND ARE NOT PRECLUDED BY AN
5 ACQUITTAL OR CONVICTION IN A CRIMINAL PROCEEDING.
6 H. IF THE OWNER APPEALS AN ORDER OF THE COURT, THE OWNER MUST POST
7 A BOND THAT IS EQUIVALENT TO SIXTY DAYS OF IMPOUNDMENT COSTS. AT THE
8 CONCLUSION OF THE SEIZURE HEARING, THE COURT SHALL PROVIDE THE OWNER WITH
9 A NOTICE OF THE AMOUNT DUE.
10 I. UNLESS GOOD CAUSE IS SHOWN, THE OWNER IS RESPONSIBLE FOR ALL
11 VETERINARY, IMPOUND AND BOARD FEES THAT RESULT FROM THE ANIMAL'S
12 IMPOUNDMENT UNTIL A FINAL DECISION IS MADE BY THE COURT, INCLUDING THE
13 PENDENCY OF AN APPEAL. THE OWNER IS NOT RESPONSIBLE FOR ANY FEES IF THE
14 OWNER PREVAILS AT THE POSTSEIZURE HEARING OR ULTIMATELY ON APPEAL.
15 J. A PERSON WHO INTERFERES WITH AN OFFICER OR AGENT IN THE
16 PERFORMANCE OF THE OFFICER'S OR AGENT'S DUTIES WHILE ENFORCING THIS
17 SECTION OR WHO RELEASES ANY ANIMAL THAT IS DULY SEIZED OR IMPOUNDED, OR
18 BOTH, PURSUANT TO THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.