

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2302

As Amended by House Committee on Judiciary

Brief*

HB 2302, as amended, would amend the statutes governing the crime of cruelty to animals and dog fighting crimes, as follows.

Cruelty to Animals

The humane killing exclusion from the crime of cruelty to animals would be amended to remove references to “pound,” “incorporated humane society,” and “the operator of” an animal shelter.

Provisions allowing an animal to be taken into custody and cared for or treated would be amended to remove references to “incorporated humane society” or replace such references with “animal shelter.” An existing requirement for notice to an owner or custodian would be expanded from cases in which the animal is placed in the care of an animal shelter to all cases, and written notification would be required.

The existing requirement that the board of county commissioners in the county where the animal was taken into custody establish proceduresto allow an animal shelter to petition the district court to be allowed to place the animal for adoption or euthanize the animal would be replaced with a provision allowing the law enforcement agency, district attorney’s office, county prosecutor, veterinarian, or animal shelter to petition the district court in the county in which the animal was taken into custody to transfer ownership of the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

animal. The bill would remove a provision requiring the board of county commissioners to review the cost of care and treatment being charged by the animal shelter maintaining the animal.

A provision prohibiting an animal from being returned to or allowed to remain with a person adjudicated guilty of this crime would be amended to remove a requirement that the court first be satisfied an animal owned or possessed by the person would be subjected to such crime in the future. A reference to “duly incorporated humane society” in this provision would be replaced with “animal shelter.”

“Animal shelter” would be defined to mean the same as in the Kansas Pet Animal Act.

Dog Fighting

A provision regarding the placement of a dog taken into custody would be amended to replace a reference to “duly incorporated humane society” with “animal shelter.”

The existing requirement that the board of county commissioners in the county where the animal was taken into custody establish procedures to allow an animal shelter to petition the district court to be allowed to place the animal for adoption or euthanize the animal would be replaced with a provision allowing the law enforcement agency, district attorney’s office, county prosecutor, veterinarian, or animal shelter to petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal. The bill would remove a provision requiring the board of county commissioners to review the cost of care and treatment being charged by the animal shelter maintaining the animal.

A provision requiring costs be paid by the county where the dog was taken into custody if no conviction results would be amended to add law enforcement agencies and

veterinarians to the list of entities entitled to payment for expenses incurred for the care, treatment, and boarding of the dog.

“Animal shelter” would be defined to mean the same as in the Kansas Pet Animal Act.

Background

The bill was introduced by the House Committee on Judiciary at the request of the Humane Society of the United States. In the House Committee hearing, an attorney testified in support of the bill. The Great Plains SPCA, Humane Society of the United States, Kansas Animal Control Association, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Sheriffs’ Association, and Lawrence Humane Society provided written-only testimony supporting the bill. No opponent or neutral testimony was provided.

The House Committee adopted an amendment changing the purpose of the petition from placing the animal for adoption or euthanization to transferring ownership of the animal.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Association of Counties and Office of Judicial Administration indicate any fiscal effect would be negligible.