



Kansas Sheriffs' Association

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Testimony to the Senate Judiciary Committee In Support of HB2206

March 12, 2019

Chairman Wilborn and Committee members:

We consider our proposed amendments to HB2206 as technical and we believe they are consistent with the legislative intent of SB112 passed in 2017. Our motivation to present this bill developed from issues we encountered in an incident occurring in Franklin County last year.

In April of 2018 the Franklin County Sheriff's Office received information about a large number of horses which were suspected of being neglected. An investigation was conducted by the Sheriff's Office, in cooperation with a local veterinarian and the Public Health officer, as is directed by Kansas Statute 21-6412. It was determined there was not adequate food and water available for the animals. There were 55 animals on the property. Many of the horses were determined to be in very poor condition and in need of medical care.

On April 17, 2018 a seizure letter was served to the owners of the horses. We began making arrangements to provide for the animals. Due to the large number of animals seized, we were unable to secure one location for all of the animals. The majority of the animals were held at a location in Lyon County. The remaining animals were held in Sedgwick, Douglas and Franklin Counties.

We experienced some frustration during the court process, due in large part to a lack of clarity in the existing Statute. Because of this our case was prolonged, creating a much larger expense. Ownership of the animals was transferred to Franklin County on June 22, 2018. The animals were all "re-homed", with the final 3 animals being placed on December 31, 2018. The expenses paid by Franklin County taxpayers exceeded \$90,000. This prolonged situation also created some hardship for Franklin County and those who were assisting with providing for the seized animals. Not all of this was created by the statute however, some clarification could have limited the burden.

The current law requires a bond to be filed with the county clerk in the county in which any seized animals are held. In our case, we had multiple animals in our custody and could not find care for all of them in our county. Those animals were placed in facilities in multiple counties, which required the bond to be filed with the county clerks in each county, only one which had any responsibility or involvement in the case surrounding the animals. Our proposal amends this provision to filing the bond in the county where the animal is seized. This will limit the filing in a case like ours to only one county, the county responsible for the case. See page 3, lines 30 and 21-22.

As we worked through this case, we found two other provisions in current law that seemed to lack clarity. Current law requires a "renewable cash or performance bond" for not less than the cost of

care for 30-days. Nothing in the current law addresses how long that bond must be maintained or the end of the period for which the bond is effective. We propose language that requires the bond coverage to continue and cover the costs until disposition of the animal is made. See page 3, lines 20-36.

We also noted there was no clear direction of where any funds collected were to be directed. Our proposal clarifies any funds collected for the care of the animals will go to the entity who is otherwise responsible for the care of the animal. See page 4, lines 1-4.

We worked with our attorneys and with the revisor in developing these clarifications. We are asking you to recommend HB2206 favorably.

Sheriff Jeff Richards
Franklin County