

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 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 used in dogfighting; to require the appointment of a licensed
4 veterinarian or other custodian to care for and assess the dogs; to provide relative to
5 euthanasia of dogs seized in connection with dogfighting; to provide relative to the
6 transfer of ownership of the dogs; to provide for an effective date; and to provide for
7 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 and equipment used in
11 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 on the premises where the arrest
14 is made or in the immediate possession or control of the person being arrested,
15 whether or not the dogs are actually engaged in a fight at the time, and all
16 paraphernalia, implements, equipment, or other property or things used or employed
17 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~~ and of the other paraphernalia,
8 implements, equipment, or other property or things, shall file with the district court
9 of the parish within which the alleged violation occurred an affidavit stating therein
10 the name of the person charged, a description of the property so taken and the time
11 and place of the taking thereof, together with the name of the person who claims to
12 own such property, if known, and that the affiant has reason to believe and does
13 believe, stating the ground of such belief, that the property so taken was used or
14 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 dog. The costs
18 for veterinarian care shall be paid by the parish government in the parish where the
19 dog is found.

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

26 (4) The veterinarian or custodian may euthanize a dog with no owner that is
27 seized in connection with a charge of dogfighting if the dog is determined to be an
28 unsuitable pet. Any euthanization shall be conducted in a humane manner by a

1 licensed veterinarian or a certified animal euthanasia technician after the hold period,
2 as provided for in R.S. 14:102.2, has expired.

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

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

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

27 Section 2. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
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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 Engrossed

2021 Regular Session

Marcelle

Abstract: Authorizes law enforcement officers to lawfully take possession of all dogs 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.

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 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 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 dogs that are seized and also requires the veterinarian or custodian to individually assess each dog to determine whether the dog is suitable for placement. Further provides that a dog may be rehomed if the veterinarian or custodian has acquired legal possession of the dog and has notified the adopting owner that the dog was seized in connection with a charge of dogfighting.

Proposed law also provides that the parish government where the dog is found shall pay the costs for veterinarian care.

Proposed law authorizes the veterinarian or custodian to euthanize a dog with no owner that is seized in connection with a charge of dogfighting if the dog is determined to be an unsuitable pet. Provides that any euthanization 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 dog 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)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove references to other animals to make proposed law only applicable to dogs.
2. Specify that the parish government where the dog is found shall pay the costs for veterinarian care.