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HOUSE BILL NO. 1893

Offered January 9, 2013

Prefiled January 8, 2013

A BILL to amend and reenact § 3.2-6546 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-6546.1, relating to the establishment of the Virginia Adoptable and Transferable Companion Animal Registry.

Patron—Kory

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6546 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-6546.1 as follows:

§ 3.2-6546. County or city pounds; confinement and disposition of animals; affiliation with foster care providers; penalties; injunctive relief.

A. For purposes of this section:

"Animal" shall not include agricultural animals.

"Rightful owner" means a person with a right of property in the animal.

B. The governing body of each county or city shall maintain or cause to be maintained a pound and shall require dogs running at large without the tag required by § 3.2-6531 or in violation of an ordinance passed pursuant to § 3.2-6538 to be confined therein. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a pound. The governing body of any county or city need not own the facility required by this section but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. The governing body shall require that:

1. The pound shall be accessible to the public at reasonable hours during the week;

2. The pound shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each pound shall update such statement as changes occur;

3. If a person contacts the pound inquiring about a lost companion animal, the pound shall advise the person if the companion animal is confined at the pound or if a companion animal of similar description is confined at the pound;

4. The pound shall maintain a written record of the information on each companion animal submitted to the pound by an animal shelter in accordance with subsection D of § 3.2-6548 for a period of 30 days from the date the information is received by the pound. If a person contacts the pound inquiring about a lost companion animal, the pound shall check its records and make available to such person any information submitted by an animal shelter or allow such person inquiring about a lost animal to view the written records;

5. The pound shall maintain a written record of the information on each companion animal submitted to the pound by a releasing agency other than a pound or animal shelter in accordance with subdivision F 2 of § 3.2-6549 for a period of 30 days from the date the information is received by the pound. If a person contacts the pound inquiring about a lost companion animal, the pound shall check its records and make available to such person any information submitted by such releasing agency or allow such person inquiring about a lost companion animal to view the written records; and

6. The pound shall maintain a written record of the information on each companion animal submitted to the pound by an individual in accordance with subdivision A 2 of § 3.2-6551 for a period of 30 days from the date the information is received by the pound. If a person contacts the pound inquiring about a lost companion animal, the pound shall check its records and make available to such person any information submitted by the individual or allow such person inquiring about a lost companion animal to view the written records.

C. An animal confined pursuant to this section shall be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.

The operator or custodian of the pound shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next 48

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59 hours following its confinement.

60 If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be
61 charged with the actual expenses incurred in keeping the animal impounded. In addition to this and any
62 other fees that might be levied, the locality may, after a public hearing, adopt an ordinance to charge the
63 owner of an animal a fee for impoundment and increased fees for subsequent impoundments of the same
64 animal.

65 D. If an animal confined pursuant to this section has not been claimed upon expiration of the
66 appropriate holding period as provided by subsection C, it shall be deemed abandoned and become the
67 property of the pound.

68 Such animal may be euthanized in accordance with the methods approved by the State Veterinarian
69 or disposed of by the methods set forth in subdivisions 1 through 5. No pound shall release more than
70 two animals or a family of animals during any 30-day period to any one person under subdivisions 2, 3,
71 or 4.

72 1. Release to any humane society, animal shelter, or other releasing agency within the
73 Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a
74 signed statement from each of its directors, operators, staff, or animal caregivers specifying that each
75 individual has never been convicted of animal cruelty, neglect, or abandonment and updates such
76 statements as changes occur;

77 2. Adoption by a resident of the county or city where the pound is operated and who will pay the
78 required license fee, if any, on such animal, provided that such resident has read and signed a statement
79 specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

80 3. Adoption by a resident of an adjacent political subdivision of the Commonwealth, if the resident
81 has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect,
82 or abandonment;

83 4. Adoption by any other person, provided that such person has read and signed a statement
84 specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and provided
85 that no dog or cat may be adopted by any person who is not a resident of the county or city where the
86 pound is operated, or of an adjacent political subdivision, unless the dog or cat is first sterilized, and the
87 pound may require that the sterilization be done at the expense of the person adopting the dog or cat; or

88 5. Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other
89 releasing agency located in and lawfully operating under the laws of another state, provided that such
90 animal shelter, or other releasing agency: (i) maintains records that would comply with § 3.2-6557; (ii)
91 requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its
92 directors, operators, staff, and animal caregivers specifying that each individual has never been convicted
93 of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has
94 provided to the pound, animal shelter, or other releasing agency within the Commonwealth a statement
95 signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii),
96 and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance
97 with the provisions of this chapter.

98 For purposes of recordkeeping, release of an animal by a pound to a pound, animal shelter or other
99 releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized,
100 the responsibility for sterilizing the animal transfers to the receiving entity.

101 Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the
102 treasurer of the locality. Any proceeds deriving from the gift, sale, or delivery of such animals by an
103 animal shelter or other releasing agency shall be paid directly to the clerk or treasurer of the animal
104 shelter or other releasing agency for the expenses of the society and expenses incident to any agreement
105 concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except
106 for the aforementioned purposes.

107 E. Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill,
108 or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this
109 chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

110 F. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in
111 subdivisions 1 through 5 of subsection D of an animal that has been released to a pound, animal shelter,
112 other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner
113 has read and signed a statement: (i) surrendering all property rights in such animal; (ii) stating that no
114 other person has a right of property in the animal; and (iii) acknowledging that the animal may be
115 immediately euthanized or disposed of in accordance with subdivisions 1 through 5 of subsection D.

116 G. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or
117 other form of identification that, based on the written statement of a disinterested person, exhibits
118 behavior that poses a risk of physical injury to any person confining the animal, from being euthanized
119 after being kept for a period of not less than three days, at least one of which shall be a full business
120 day, such period to commence on the day the animal is initially confined in the facility, unless sooner

121 claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as
 122 required by § 3.2-6557. For purposes of this subsection, a disinterested person shall not include a person
 123 releasing or reporting the animal.

124 H. No pound shall place a companion animal in a foster home with a foster care provider unless the
 125 foster care provider has read and signed a statement specifying that he has never been convicted of
 126 animal cruelty, neglect, or abandonment, and each pound shall update such statement as changes occur.
 127 The pound shall maintain the original statement and any updates to such statement in accordance with
 128 this chapter and for at least so long as the pound has an affiliation with the foster care provider.

129 I. A pound that places a companion animal in a foster home with a foster care provider shall ensure
 130 that the foster care provider complies with § 3.2-6503.

131 J. If a pound finds a direct and immediate threat to a companion animal placed with a foster care
 132 provider, it shall report its findings to the animal control agency in the locality where the foster care
 133 provider is located.

134 K. *The governing body may require the pound to participate in the Virginia Adoptable and*
 135 *Transferable Companion Animal Registry as provided in § 3.2-6546.1.*

136 L. The governing body shall require that the pound be operated in accordance with regulations issued
 137 by the Board. If this chapter or such regulations are violated, the locality may be assessed a civil
 138 penalty by the Board or its designee in an amount that does not exceed \$1,000 per violation. Each day
 139 of the violation is a separate offense. In determining the amount of any civil penalty, the Board or its
 140 designee shall consider: (i) the history of previous violations at the pound; (ii) whether the violation has
 141 caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the locality to
 142 achieve compliance after notification of the violation. All civil penalties assessed under this section shall
 143 be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such
 144 civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be
 145 used in carrying out the purposes of this chapter.

146 M. If this chapter or any laws governing pounds are violated, the Commissioner may bring an
 147 action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto
 148 regarding pounds, in the circuit court where the pound is located. The Commissioner may request the
 149 Attorney General to bring such an action, when appropriate.

150 **§ 3.2-6546.1. Establishment of the Virginia Adoptable and Transferable Companion Animal**
 151 **Registry.**

152 *The State Veterinarian shall establish and maintain a website known as the Virginia Adoptable and*
 153 *Transferable Companion Animal Registry. The State Veterinarian shall maintain in the Registry*
 154 *information provided and posted by representatives designated by releasing agencies concerning*
 155 *potentially adoptable and transferable companion animals maintained in Virginia in the custody of*
 156 *releasing agencies. All information collected for the Registry shall be available to the releasing agencies*
 157 *and the public via the website. Registration information shall include the animal's sex, weight, color,*
 158 *and markings; whether the animal is spayed or neutered; if a stray, the location where the animal was*
 159 *found before it was brought to the releasing agency; the address where the animal is maintained; the*
 160 *date upon which the animal is available for adoption or transfer; and, where ascertainable, the primary*
 161 *and secondary breed and age of the animal. Registration information may include a photograph of the*
 162 *animal and other information deemed pertinent by the State Veterinarian. A releasing agency's*
 163 *designated representative shall post any updates on the website, including the information that an*
 164 *animal listed in the Registry by the releasing agency has died or left the custody of the releasing*
 165 *agency. A local governing body may designate volunteers to be its representatives for the purposes of*
 166 *the Registry. The listing of an animal on the Registry shall not constitute a representation that the*
 167 *animal is suitable for transfer to or adoption by any particular person or releasing agency.*