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SENATE BILL NO. 801

Offered January 11, 2017

Prefiled October 7, 2016

A BILL to amend and reenact § 3.2-6546 of the Code of Virginia, relating to dogs; euthanasia after notice.

Patrons—Stanley, Ebbin and McClellan; Delegates: Kory and Rasoul

Referred to Committee on Agriculture, Conservation 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 as follows:

§ 3.2-6546. County or city public animal shelters; 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 public animal shelter 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 shelter. 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 public animal shelter shall be accessible to the public at reasonable hours during the week;

2. The public animal shelter 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 shelter shall update such statement as changes occur;

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

4. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a private 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 shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by a private animal shelter or allow such person inquiring about a lost animal to view the written records;

5. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a releasing agency other than a public or private 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 shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter 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 public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter 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 shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter 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 public animal shelter 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 shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

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

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

67 Such animal may be euthanized in accordance with the methods approved by the State Veterinarian  
68 ~~or~~ *and, if it is a dog, the provisions of subsection K, or it may be* disposed of by the methods set forth  
69 in subdivisions 1 through 5. No shelter shall release more than two animals or a family of animals  
70 during any 30-day period to any one person under ~~subdivisions~~ *subdivision* 2, 3, or 4.

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

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

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

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

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

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

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

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

109 F. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in  
110 subdivisions 1 through 5 of subsection D of an animal that has been released to a public or private  
111 animal shelter, other releasing agency, or animal control officer by the animal's rightful owner after the  
112 rightful owner has read and signed a statement: (i) surrendering all property rights in such animal; (ii)  
113 stating that no other person has a right of property in the animal; and (iii) acknowledging that the  
114 animal may be immediately euthanized or disposed of in accordance with subdivisions 1 through 5 of  
115 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 public animal shelter shall place a companion animal in a foster home with a foster care  
125 provider unless the foster care provider has read and signed a statement specifying that he has never  
126 been convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement  
127 as changes occur. The shelter shall maintain the original statement and any updates to such statement in  
128 accordance with this chapter and for at least so long as the shelter has an affiliation with the foster care  
129 provider.

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

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

135 K. *No public animal shelter shall euthanize a dog that has become the property of the shelter  
136 following abandonment unless five days have passed from the time the shelter notified every person or  
137 releasing agency that has requested the adoption or transfer of the particular dog. This subsection shall  
138 not apply to any dog that the public animal shelter has reason to believe has injured a human or that  
139 the shelter intends to euthanize pursuant to subsection E, F, or G or any other section of this chapter.*

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

150 ~~L.~~ M. If this chapter or any laws governing public animal shelters are violated, the Commissioner  
151 may bring an action to enjoin the violation or threatened violation of this chapter or the regulations  
152 pursuant thereto regarding public animal shelters, in the circuit court where the shelter is located. The  
153 Commissioner may request the Attorney General to bring such an action, when appropriate.