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HOUSE BILL NO. 329

Offered January 15, 1996

A BILL to amend and reenact § 3.1-796.96 of the Code of Virginia, relating to adoption of stray animals.

Patrons—Davies; Senator: Miller, K.G.

Referred to Committee on Agriculture

Be it enacted by the General Assembly of Virginia:**1. That § 3.1-796.96 of the Code of Virginia is amended and reenacted as follows:**

§ 3.1-796.96. County or city pounds; confinement and disposition of stray animals.

A. The governing body of each county or city shall maintain or cause to be maintained a pound or enclosure in accordance with guidelines issued by the Department of Agriculture and Consumer Services and shall require dogs running at large without the tag required by § 3.1-796.92 or in violation of an ordinance passed pursuant to § 3.1-796.93 to be confined therein. 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.

B. An animal confined pursuant to subsection A 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, or, if the animal's rightful owner has surrendered all property rights in such animal and has read and signed a statement as required by subsection G, disposed of as provided in subdivisions E 2, 3, 4, and 5.

C. Any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification which, based on the written certification of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, may be euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The certification of the disinterested person shall be kept with the animal as required by § 3.1-796.105. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal to the facility.

D. Either a custodian of an animal or an individual who has found an animal may qualify as owner and may claim the animal by expressing his desire in writing to claim the animal at the expiration of the period set out in subsection B after payment of the required license fee. In the event that any animal confined pursuant to this section is claimed by its rightful owner, such owner shall only be charged with the actual expenses incurred in keeping the animal impounded. If the rightful owner claims the animal at any time, the custodian or finder shall relinquish possession of the animal to the rightful owner.

E. If an animal confined pursuant to this section has not been claimed, it may be humanely destroyed or disposed of by:

1. Sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the Commonwealth, provided that such agency, institution or dealer agrees to confine the animal for an additional period of not less than five days;

2. Delivery to any humane society or animal shelter within the Commonwealth;

3. Adoption by any person who is a resident of the county or city for which the pound is operated and who will pay the required license fee, if any, on such animal;

4. Adoption by a resident of an adjacent political subdivision of the Commonwealth; of the Commonwealth; or

5. Delivery, for the purposes of adoption or euthanasia only, to a humane society or an animal shelter located in and lawfully operating under the laws of another state, provided that such humane society or animal shelter: (i) maintains records which would comply with § 3.1-796.105; (ii) requires that adopted dogs and cats be sterilized; and (iii) has been approved by the State Veterinarian or his designee as a facility which maintains such records, requires adopted dogs and cats to be sterilized, and provides adequate care and euthanasia.

F. The operator or custodian of the pound shall make a reasonable effort to ascertain if the animal has a collar, tag, license, or tattooed identification. If such identification is found on the animal, a reasonable effort shall be made to return the animal to its owner or place the animal for adoption before humanely destroying the animal. Such animal may not be disposed of by sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another state, or a licensed

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HB329

60 federal dealer. Such identified animal shall be held for five days more than the holding period prescribed
61 in subsection A, unless sooner claimed by the rightful owner. If the rightful owner of any animal
62 confined may be readily identified, the operator or custodian of the pound shall make a reasonable effort
63 to notify the owner of the animal's confinement within the next forty-eight hours following its
64 confinement. At the expiration of the holding period required for such identified animal, the animal may
65 be delivered to any ~~resident person who is a resident of the Commonwealth~~ who proposes to adopt it as
66 a pet ~~and who will pay the required license fee, if any, on the animal~~ or to any humane society or
67 animal shelter; ~~or to a resident of an adjacent political subdivision of the Commonwealth; however, .~~
68 *However*, no more than two animals or a family of animals shall be delivered during any thirty-day
69 period to any one ~~such person proposing to adopt the animal as a pet.~~

70 G. No provision herein shall prohibit the immediate destruction of a critically injured or critically ill
71 animal for humane purposes. Any animal destroyed pursuant to the provisions of this chapter shall be
72 euthanized by one of the methods prescribed or approved by the State Veterinarian. The governing body
73 shall require that the pound be accessible to the public at reasonable hours during the week. Nothing in
74 this section shall be construed to prohibit confinement of other companion animals in such a pound or
75 enclosure. Neither shall any provision in this section prohibit the immediate destruction, for humane
76 purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill.

77 Nothing in this section shall prohibit the immediate destruction or disposal by the methods listed in
78 subdivisions 2 through 5 of subsection E of an animal that has been delivered voluntarily or released to
79 a pound, animal shelter, animal warden, or humane society by the animal's rightful owner after the
80 rightful owner has, in writing, surrendered all property rights in such animal and has read and signed a
81 statement (i) certifying that no other person has a right of property in the animal and (ii) acknowledging
82 that the animal may be immediately euthanized or disposed of by the methods listed in subdivisions 2
83 through 5 of subsection E.

84 For purposes of this section, the term "animal" shall not include agricultural animals. For purposes of
85 this section, the term "rightful owner" shall mean a person with a right of property in the animal. For
86 purposes of this section, "humane society," when referring to an organization without the
87 Commonwealth, means any nonprofit organization organized for the purpose of preventing cruelty to
88 animals and promoting humane care and treatment or adoption of animals.