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1                   **HOUSE BILL NO. 2155**

2                   AMENDMENT IN THE NATURE OF A SUBSTITUTE  
 3                   (Proposed by the House Committee on Agriculture  
 4                   on February 4, 1999)

5                   (Patron Prior to Substitute—Delegate Grayson)

6                   A *BILL to amend and reenact §§ 3.1-796.96 and 3.1-796.126:3 of the Code of Virginia, relating to*  
 7                   *animal welfare; penalties.*

8                   Be it enacted by the General Assembly of Virginia:

9           1. That §§ 3.1-796.96 and 3.1-796.126:3 of the Code of Virginia are amended and reenacted as  
 10          follows:

11         § 3.1-796.96. County or city pounds; confinement and disposition of stray animals.

12         A. The governing body of each county or city shall maintain or cause to be maintained a pound in  
 13         accordance with guidelines issued by the Department of Agriculture and Consumer Services and shall  
 14         require dogs running at large without the tag required by § 3.1-796.92 or in violation of an ordinance  
 15         passed pursuant to § 3.1-796.93 to be confined therein. The governing body of any county or city need  
 16         not own the facility required by this section but may contract for its establishment with a private group  
 17         or in conjunction with one or more other local governing bodies. The governing body shall require that  
 18         the pound be accessible to the public at reasonable hours during the week. Nothing in this section shall  
 19         be construed to prohibit confinement of other companion animals in such a pound.

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

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

29         If any animal confined pursuant to this section is claimed by its rightful owner, such owner shall be  
 30         charged with the actual expenses incurred in keeping the animal impounded.

31         C. If an animal confined pursuant to this section has not been claimed upon expiration of the  
 32         appropriate holding period as provided by subsection B, it shall be deemed abandoned and become the  
 33         property of the pound or shelter. If such abandoned animal did not, when delivered to the pound, bear a  
 34         collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of  
 35         by:

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

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

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

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

44           5. Adoption by any other person, provided that no animal may be adopted by any person who is not  
 45         a resident of the county or city for which the pound or animal shelter is operated, or of an adjacent  
 46         political subdivision, unless the animal is first sterilized; or

47           5. 6. Delivery, for the purposes of adoption or euthanasia only, to a humane society or an animal  
 48         shelter located in and lawfully operating under the laws of another state, provided that such humane  
 49         society or animal shelter: (i) maintains records which would comply with § 3.1-796.105; (ii) requires  
 50         that adopted dogs and cats be sterilized; and (iii) has been approved by the State Veterinarian or his  
 51         designee as a facility which maintains such records, requires adopted dogs and cats to be sterilized, and  
 52         provides adequate care and euthanasia.

53         If such abandoned animal, when delivered to the pound, bore a collar, tag, license, tattoo, or other  
 54         form of identification, it may be humanely destroyed or disposed of by the methods described in  
 55         subdivision 2, 3 or, 4, or 5 of this subsection.

56         No pound or shelter shall deliver more than two animals or a family of animals during any thirty-day  
 57         period to any one person under subdivision 3 or, 4 or 5 of this subsection.

58         If an animal is required to be sterilized prior to adoption pursuant to subdivision 5 of this  
 59         subsection, the pound or animal shelter may require that the sterilization be done at the expense of the

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60 *person adopting the animal.*

61 D. Nothing in this section shall prohibit the immediate destruction of a critically injured, critically ill,  
62 or unweaned animal for humane purposes. Any animal destroyed pursuant to the provisions of this  
63 chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

64 E. Nothing in this section shall prohibit the immediate destruction or disposal by the methods listed  
65 in subdivisions 2 through § 6 of subsection C of an animal that has been delivered voluntarily or  
66 released to a pound, animal shelter, animal control officer, or humane society by the animal's rightful  
67 owner after the rightful owner has, in writing, surrendered all property rights in such animal and has  
68 read and signed a statement (i) certifying that no other person has a right of property in the animal and  
69 (ii) acknowledging that the animal may be immediately euthanized or disposed of by the methods listed  
70 in subdivisions 2 through § 6 of subsection C.

71 F. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or  
72 other form of identification which, based on the written certification of a disinterested person, exhibits  
73 behavior that poses a risk of physical injury to any person confining the animal, from being euthanized  
74 after being kept for a period of not less than three days, at least one of which shall be a full business  
75 day, such period to commence on the day the animal is initially confined in the facility, unless sooner  
76 claimed by the rightful owner. The certification of the disinterested person shall be kept with the animal  
77 as required by § 3.1-796.105. For purposes of this subsection, a disinterested person shall not include a  
78 person releasing or reporting the animal to the facility.

79 G. For purposes of this section:

80 "Animal" shall not include agricultural animals.

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

82 "Humane society," when referring to an organization without the Commonwealth, means any  
83 nonprofit organization organized for the purpose of preventing cruelty to animals and promoting humane  
84 care and treatment or adoption of animals.

85 § 3.1-796.126:3. Sterilization confirmation; civil penalty.

86 Each new owner who signs a sterilization agreement shall, within seven days of the sterilization,  
87 cause to be delivered or mailed to the releasing agency written confirmation signed by the veterinarian  
88 who performed the sterilization. The confirmation shall briefly describe the dog or cat; include the new  
89 owner's name and address; certify that the sterilization was performed; and specify the date of the  
90 procedure. Any person who violates this section shall be subject to a civil penalty not to exceed fifty  
91 dollars \$150.