

Signed by the governor May 19, 1991, 5:41 p.m.

CHAPTER 122—S.F.No. 355

An act relating to animals; providing for disposition of certain animals taken into custody by public authorities; requiring bond or other security for expenses of care in certain cases; amending Minnesota Statutes 1990, sections 343.22, subdivisions 1 and 3; and 343.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 343.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1990, section 343.22, subdivision 1, is amended to read:

343.22 INVESTIGATION OF CRUELTY COMPLAINTS.

Subdivision 1. **REPORTING.** Any person who has reason to believe that a violation of this chapter has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of that section for a warrant and for investigation. The court shall examine under oath the person so applying and any witnesses the applicant produces and the court shall take their affidavits in writing. The affidavits must set forth facts tending to establish the grounds for believing a violation of this chapter has occurred or is occurring, or probable cause to believe that a violation exists. If the court is satisfied of the existence of the grounds of the application, or that there is probable cause to believe a violation exists, it shall issue a signed search warrant and order for investigation to a peace officer in the county. The order shall command the officer to proceed promptly to the location of the alleged violation; ~~along with.~~ The order may command that a doctor of veterinary medicine accompany the officer.

Sec. 2. Minnesota Statutes 1990, section 343.22, subdivision 3, is amended to read:

Subd. 3. **DISPOSAL OF CERTAIN ANIMALS.** Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to this section may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. All other animals shall be disposed of as provided in section 343.235. The authority taking custody of the animals may recover all costs incurred under this section.

Sec. 3. Minnesota Statutes 1990, section 343.29, subdivision 1, is amended to read:

Subdivision 1. **DELIVERY TO SHELTER.** Any peace officer, animal control officer, or agent of the federation or county or district societies for the prevention of cruelty, may remove, shelter, and care for any animal which is not

New language is indicated by underline, deletions by ~~strikeout~~.

properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink. When necessary, a peace officer, animal control officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified, and the person having possession of the animal, shall have a lien thereon for its care and keeping; ~~the reasonable value of the food and drink furnished,~~ and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within ~~five~~ seven days after notice, redeem the animal by paying the expenses authorized by this subdivision, the animal may be ~~treated as an estray disposed of as provided in section 343.235.~~

Sec. 4. **[343.235] DISPOSITION OF SEIZED ANIMALS.**

Subdivision 1. GENERAL RULE. An animal taken into custody under section 343.22 or 343.29 may be humanely disposed of at the discretion of the jurisdiction having custody of the animal seven days after the animal is taken into custody.

Subd. 2. SECURITY. A person claiming an interest in an animal in custody under subdivision 1 may prevent disposition of the animal by posting a bond or security in an amount sufficient to provide for the animal's care and keeping for at least 30 days, inclusive of the date on which the animal was taken into custody. Even if a bond or security is posted, the authority having custody of the animal may humanely dispose of the animal at the end of the time for which expenses of care and keeping are covered by the bond or security, unless there is a court order prohibiting the disposition. The order must provide for a bond or other security in the amount necessary to protect the authority having custody of the animal from any cost of the care, keeping, or disposal of the animal.

Subd. 3. NOTICE. The authority taking custody of an animal under section 343.22 or 343.29 shall give notice of this section by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective the day following final enactment.

Presented to the governor May 16, 1991

Signed by the governor May 20, 1991, 5:02 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.