

ANIMAL SHELTER AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Darin G. Peterson

This act modifies the Code of Criminal Procedure provisions regarding animals in custody of an animal control agency by defining a working day to include a day when the shelter is open four or more hours and by defining a feral cat. This act provides that feral cats that are not identified may be euthanized prior to the required minimum three working day holding period for animals in the custody of an animal control agency. The act also provides counties and municipalities the option of allowing private parties to sterilize and maintain feral cats in accordance with guidelines and standards and at the parties' own cost, rather than the animal control agency euthanizing and disposing of the animal.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

77-24-1, as last amended by Chapter 104, Laws of Utah 1995

77-24-1.5, as last amended by Chapter 156, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **77-24-1** is amended to read:

77-24-1. Definitions.

As used in this chapter:

(1) "Custodial property" means tangible property:

(a) that comes into the possession of a peace officer through execution of a search warrant;

(b) that comes into the possession of a peace officer pursuant to an arrest of a person, with or without a warrant;

(c) that he received or took as evidence in connection with any public offense; or



28 (d) that comes into the possession of a municipal or county animal control officer.

29 (2) "Feral cat" means a cat that:

30 (a) has no apparent owner or identification;

31 (b) is apparently wild, untamed, unsocialized, unmanageable, and ungroomed; and

32 (c) cannot be approached or handled.

33 (3) "Identification" for a dog or cat includes:

34 (a) (i) a collar or harness with a form of identification, such as a tag;

35 (ii) a computer microchip injected into the animal and that is used for identification; or

36 (iii) a tattoo; and

37 (b) in the case of a feral cat, a tipped ear.

38 ~~[(2)]~~ (4) "Intangible property" means:

39 (a) money, checks, drafts, deposits, interest, dividends, and income;

40 (b) credit balances, customer overpayments, gift certificates, security deposits, refunds,
41 credit memos, unpaid wages, unused airline tickets, and unidentified remittances;

42 (c) stocks and other intangible ownership interests in business associations;

43 (d) money deposited to redeem stocks, bonds, coupons, and other securities or to make
44 distributions;

45 (e) amounts due and payable under the terms of insurance policies; and

46 (f) amounts distributable from a trust or custodial fund established under a plan to
47 provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit
48 sharing, employee savings, supplemental unemployment insurance, or similar benefits.

49 ~~[(3)]~~ (5) "Tangible property" means all property that is not intangible property.

50 (6) "Tipped ear" means the pinna portion of a feline ear, either left or right:

51 (a) from which the top portion has been surgically removed; or

52 (b) that has been notched.

53 (7) "Unowned feral cat" means a feral cat that:

54 (a) is not kept on its owner's property;

55 (b) is not bearing visible identification, which may include an ear tip; and

56 (c) is or appears to be unaltered.

57 (8) "Working day" includes a Saturday on which an animal control agency:

58 (a) is open for regular business for not fewer than four hours; and

59 (b) provides persons access to animals that are in the custody of the agency.

60 Section 2. Section **77-24-1.5** is amended to read:

61 **77-24-1.5. Safekeeping by officer pending disposition -- Records required -- Stray**
62 **animals -- Euthanasia provisions.**

63 (1) Each peace officer shall:

64 (a) hold custodial property in safe custody:

65 (i) until it is received into evidence; or

66 (ii) if it is not used as evidence, until it can be disposed of as provided in this chapter;

67 and

68 (b) maintain a proper record of the custodial property that identifies:

69 (i) the owner of the custodial property, if known; and

70 (ii) the case for which it was taken or received and is being held.

71 (2) (a) ~~[Each]~~ Except as provided in Subsection (2)(b), each municipal or county
72 animal control officer shall hold any unidentified or unclaimed stray dog or stray cat in safe and
73 humane custody for a minimum of three working days after the time of impound prior to
74 making any final disposition of the animal, including:

75 (i) placement in an adoptive home or other transfer of the animal, which shall be in
76 compliance with Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization Act, or Title
77 17, Chapter 42, County Animal Shelter Pet Sterilization Act; or

78 (ii) euthanasia.

79 (b) An animal may be euthanized prior to the completion of the three working day
80 minimum holding period under Subsection (2)(a) if the euthanasia is in compliance with
81 written established agency or department policies and procedures and with any local ordinances
82 allowing the destruction, and the animal is:

83 (i) an unidentified or unclaimed stray dog or stray cat ~~[may be euthanized prior to the~~
84 ~~completion of the three working day minimum holding period]~~ and the euthanasia is to prevent
85 the animal's unnecessary suffering due to serious injury or disease ~~[, if the euthanasia is in~~
86 ~~compliance with written established agency or department policies and procedures, and with~~
87 ~~any local ordinances allowing the destruction.]; or~~

88 (ii) an unidentified feral cat, except that if the feral cat has a tipped ear or other
89 identification or appears to be sterilized, the cat is considered to be identified and is subject to

90 the holding period under Subsection (2)(a).

91 (c) An unidentified or unclaimed stray dog or stray cat shall be returned to its owner
92 upon:

93 (i) proof of ownership;

94 (ii) compliance with requirements of local animal control ordinances; and

95 (iii) compliance with Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization
96 Act, or Title 17, Chapter 42, County Animal Shelter Pet Sterilization Act.

97 (3) As an alternative to county or municipal euthanasia and disposal of feral cats, the
98 municipal or county animal control agency may:

99 (a) (i) place the feral cat in the care of a caretaker who agrees to comply with
100 Subsection (3)(b), and provide information to the caretaker regarding assistance available from
101 nonprofit organizations that provide or arrange for aid with sterilizing, ear tipping, and
102 vaccinating for rabies; or

103 (ii) place the feral cat in the care of a feral caretaker who directly assumes the expense
104 of sterilizing, ear tipping, and vaccinating for rabies and agrees to comply with Subsection
105 (3)(b); and

106 (b) condition release of a feral cat to a caretaker under Subsection (3)(a) upon the
107 caretaker's agreement to:

108 (i) ensure the feral cat is sterilized, ear tipped, and vaccinated for rabies; and

109 (ii) maintain the feral cats at private expense and in accordance with the municipal or
110 county guidelines and generally accepted humane and sanitary standards.

Legislative Review Note
as of 1-6-03 7:27 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel