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SENATE BILL NO. 571

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to amend and reenact § 3.2-6557 of the Code of Virginia, relating to releasing agencies; notice of dangerous animal; civil penalty.

Patron—DeSteph

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6557 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6557. Releasing agencies, animal control officers, and humane investigators; limitations; records; penalties.

A. No representative of a releasing agency, animal control officer, or humane investigator, humane society, or custodian of any public or private animal shelter shall (i) obtain the release or transfer of an animal by the animal's owner or finder to such releasing agency, animal control officer, or humane investigator, humane society, or custodian for personal gain or (ii) give or sell or negotiate for the gift or sale to any individual, pet shop, dealer, or research facility of any animal that may come into his the custody of such releasing agency, animal control officer, or humane investigator in the course of carrying out his official assignments. No releasing agency, representative of a releasing agency, animal control officer, or humane investigator, or custodian of any public or private animal shelter shall be granted a dealer's license. Violation of this subsection is a Class 1 misdemeanor. Nothing in this section shall preclude any animal control officer or humane investigator from lawfully impounding any animal pursuant to § 3.2-6569.

B. Any representative of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, or custodian of any public or private animal shelter, upon taking custody of any animal in the course of his official duties, or any representative of a humane society, upon obtaining custody of any animal on behalf of the society, shall immediately make a record of the matter. Such record shall include:

1. The date on which the animal was taken into custody;
2. The date of the making of the record;
3. A description of the animal, including the animal's species, color, breed, sex, approximate age, and approximate weight;
4. The reason for taking custody of the animal and the location where custody was taken;
5. The name and address of the animal's owner, if known;
6. Any license or rabies tag, tattoo, collar, or other identification number carried by or appearing on the animal; and
7. The disposition of the animal; and
8. In the case of a companion animal released by a person, a signed statement from such person indicating whether, if known, the companion animal has bitten a person or other animal, and the circumstances and date of such bite.

Records required by this subsection shall be maintained for at least five years and shall be available for public inspection upon request. A summary of such records shall be submitted annually to the State Veterinarian in a format prescribed by him.

C. Any representative of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon release of a companion animal for (i) adoption, (ii) return to a rightful owner, or (iii) transfer to another agency, shall disclose, if known, that a companion animal has bitten a person or other animal, and the circumstances and date of such bite. Any releasing agency representative, animal control officer, law-enforcement officer, or humane investigator who willfully fails to comply with this subsection is subject to a civil penalty not to exceed \$1,000 per violation. Such penalty shall be recovered in a civil action by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.

D. Any representative of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, or custodian of any public or private animal shelter who takes custody of animals in the course of his official duties or representative of a humane society who takes custody of animals on behalf of the society who takes custody of animals in the course of his official duties shall annually file with the State Veterinarian a copy of his intake policy.

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59     D. *E.* Any animal control officer or custodian of any public animal shelter who violates any  
60 provision of this chapter that relates to the seizure, impoundment, and custody of animals by an animal  
61 control officer may be subject to suspension or dismissal from his position.

62     E. *F.* Custodians and animal control officers engaged in the operation of a public animal shelter shall  
63 be required to have knowledge of the laws of the Commonwealth governing animals, including this  
64 chapter, as well as basic animal care.