

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

912Y0598

## HOUSE BILL NO. 1160

Introduced by: Representatives Howard, Ahlers, Bartels, Frye-Mueller, Gosch, Heinemann, Johnson, Karr, Pischke, Schoenfish, and Wismer and Senators Jensen (Phil), Haverly, Monroe, Partridge, Peters, and White

1 FOR AN ACT ENTITLED, An Act to recover the costs of care for animals seized by law  
2 enforcement.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 40-1 be amended by adding a NEW SECTION to read:

5 If criminal charges are pending, or are intended to be filed, against the owner of an animal  
6 seized for a violation of this chapter, before the final court disposition, the law enforcement  
7 officer, agent of the board, or agent or officer of any humane society that seized the animal, or  
8 the prosecutor, may file a petition requesting the court to issue an order requiring the owner of  
9 the animal to post a bond to satisfy all costs of care of the animal while in the custody of the law  
10 enforcement officer, agent of the board, or agent or officer of any humane society. The court  
11 shall hold a hearing regarding the petition within twenty business days after the petition is filed.

12 Section 2. That chapter 40-1 be amended by adding a NEW SECTION to read:

13 The law enforcement officer, agent of the board, or agent or officer of any humane society  
14 or prosecutor shall provide notice of the petition and hearing date to the owner of the animal.



1 The law enforcement officer, agent of the board, or agent or officer of any humane society shall  
2 leave notice at the last known address of the owner. The notice shall contain a description of the  
3 seized animal, the date the animal was seized, the name and contact information of the agency  
4 seizing the animal, and the reason the animal was seized. If the owner of the animal cannot be  
5 determined, a written notice regarding the seizure of the animal shall be posted in a conspicuous  
6 place at the location of the seizure and at the time the seizure occurs, if feasible.

7 Section 3. That the code be amended by adding a NEW SECTION to read:

8 If the court determines probable cause exists for a violation of this chapter, the court shall  
9 require the owner of the animal to post a bond with the court, within five business days after the  
10 issuance of the order, in an amount determined by the court to be sufficient to pay all reasonable  
11 costs, including food, water, shelter, and any necessary medical care, incurred from the date of  
12 the seizure and anticipated to be incurred for the first thirty days of care of the animal while the  
13 criminal charges are pending. A law enforcement officer, agent of the board, or agent or officer  
14 of any humane society in possession of a seized animal may draw from any bond posted under  
15 this section to pay for the cost of care of the animal. The owner shall post an additional bond  
16 for each subsequent thirty-day period before the expiration date of the previous bond if the  
17 criminal charges remain pending. If the owner fails to post a required bond while criminal  
18 charges are pending, the law enforcement officer, agent of the board, or agent or officer of any  
19 humane society that seized the animal may dispose of the animal pursuant to § 40-1-34. The  
20 owner shall be reimbursed for any bond paid if found not guilty of a violation of this chapter.