



ANIMAL INDEMNITIES
*Creating State Indemnity Law
to Facilitate the Seizure of Cruelly-Treated Animals*
Senate Bill 127 — Sponsor Sen. Peter Wirth

THE PROBLEM:

- ✎ The seizure of animals in some animal cruelty cases is being hampered by the current wording of the cruelty statute, resulting in a lack of remedy for involved agencies:
 - Agencies that seize animals currently have no financial assistance for the rehabilitation and maintenance of domestic animals and livestock seized for protective custody during the adjudication of a cruelty case. Currently, the Courts cannot mandate reimbursement of these costs, which can reach into the tens of thousands of dollars.
 - Seized animals that are in protective custody are occupying precious shelter kennel space for months and sometimes years at a time. These animals reduce the space available to house homeless animals in local animal shelters.
 - Long-term holding times for animals in shelters can result in mental and physical suffering for the animals, who have limited access to exercise and interaction. If health problems and injury of animals develop and the animals are returned to the owner “damaged,” there is a potential for the community to be liable to the owner.

THE SOLUTION:

Amend New Mexico’s Animal Cruelty Statute NMSA 1978, § 30-18-1.2 & 1.3 so that the normal costs of animal care are borne by the owners while cruelty cases are adjudicated.

✎ Proposed Amendments:

- Law enforcement or animal control agencies may file a petition to the Court to order the defendant charged in a cruelty case to post a security deposit to pay for the care of seized animals.
- Once an order is issued by the Court, failure to post a security deposit in the amount determined by the Court within 15 days will deem the seized animals abandoned and relinquished to an animal control agency, shelter or state agency.
- Unexpended security funds will be returned to the owner upon completion of the adjudication of a criminal case.

Other states with indemnity laws: AZ, CA, CO, CT, GA, ID, IL, KS, LA, MO, NH, NY, OR, SC, TN, VT, WA and WV.

Benefits to the community:

Financial relief to seizing agencies, and maintaining shelter space for strays. Posting a security deposit for animal care is not a punitive measure, but rather represents the normal cost of properly caring for animals. The link between cruelty to animals and violence to humans is well established. These amendments will protect animals from further abuse and will allow for more effective intervention against those whose violent criminal behavior often begins with animal cruelty.