

## HB0087S01 compared with HB0087

~~{Omitted text}~~ shows text that was in HB0087 but was omitted in HB0087S01  
inserted text shows text that was not in HB0087 but was inserted into HB0087S01

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# LONG TITLE

### **General Description:**

This bill modifies provisions related to the release and forfeiture of an animal that is being held because of abuse or involvement in a crime.

## **Highlighted Provisions:**

This bill:

- ▶ provides a process to permit, while legal resolution of a crime is ongoing, the release or transfer of an animal being held in a shelter because the animal was abused or was involved in a crime;
- ▶ permits {a peace officer in possession of a warrant} certain government officials under certain conditions to enter a premises or a vehicle to aid or take custody of an animal that is being criminally mistreated or is associated with a crime;
- ▶ requires notice to the owner or possessor of the animal;
- ▶ permits a shelter or government counsel to file a motion to have a court review whether an animal being held in a shelter due to criminal activity should be forfeited or transferred to alternative care;
- ▶

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provides procedures for the hearing and the court's determination, and permits the animal's owner to be heard as part of the hearing;

- 21      ▶ provides procedures for placement of the animal if the court orders ownership of the animal to be forfeited;
- 23      ▶ permits a court to order an animal owner to pay for the costs of sheltering an animal due to the owner's criminal activity;
- 25      ▶ permits a court to order an individual who has abused an animal or involved an animal in criminal activity to complete an educational or animal cruelty prevention program;
- 27      ▶ provides cross references for the forfeiture procedure; and
- 28      ▶ makes technical and conforming changes.

### 29 **Money Appropriated in this Bill:**

30      None

### 31 **Other Special Clauses:**

32      None

### 33 **Utah Code Sections Affected:**

34 **AMENDS:**

35      **76-13-101 , as enacted by Laws of Utah 2025, Chapter 173**

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36      **76-13-102 , as renumbered and amended by Laws of Utah 2025, Chapter 173**

37      **76-13-103 , as renumbered and amended by Laws of Utah 2025, Chapter 173**

38      **77-11a-101 , as last amended by Laws of Utah 2024, Chapter 80**

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39 **ENACTS:**

40      **77-11a-206 , Utah Code Annotated 1953**

41      **77-11a-207 , Utah Code Annotated 1953**

42      **78B-3-1301 , Utah Code Annotated 1953**

43      **78B-3-1302 , Utah Code Annotated 1953**

44      **78B-3-1303 , Utah Code Annotated 1953**

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

47      **Section 1. Section 76-13-101 is amended to read:**

48      **76-13-101. Definitions.**

[Reserved.] **As used in this chapter:**

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50 (1) "Animal control officer" means the same as that term is defined in Section 11-46-102.  
51 (2) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13, Peace Officer  
Classifications.

53 Section 2. Section **76-13-102** is amended to read:

54 **76-13-102. Officer's authority to take possession of an animal -- Lien for care -- Humane  
destruction.**

48 (1)  
57 (a) As used in this section:  
59 (i) "Animal control officer" means the same as that term is defined in Section 11-46-102.  
59 (ii) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13, Peace  
Officer Classifications.

61 (b) Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.

49 (2) A law enforcement peace officer or animal control officer may take possession of an animal being  
treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for the  
animal or, upon permission from the owner, may destroy the animal.

52 (3)  
57 (a) An officer A peace officer or animal control officer caring for an animal under this section has  
a lien for the reasonable value of the care provided to the animal and, if applicable, the reasonable  
value for the destruction of the animal.

55 (b) A court, upon proof that the owner has been notified at least five days earlier of the lien and amount  
due, shall order the animal sold at public auction or destroyed.

57 (4)  
59 (a) A law enforcement peace officer or animal control officer may humanely destroy an animal found  
suffering past recovery for any useful purpose.

59 (b) Before destroying the animal under Subsection (4)(a), the peace officer or animal control officer  
shall obtain:  
60 (i) the judgment of a veterinarian or of two reputable citizens called by the officer to view the animal in  
the officer's presence, of the animal's nonrecoverable condition; or  
63 (ii) consent to the destruction from the owner of the animal.

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(5) An animal that is associated with a crime or an animal abuse charge may be eligible for forfeiture or release under Section 77-11a-207 or Title 78B, Chapter 3, Part 13, Petition for Forfeiture of Animal Held in Connection with a Crime or Abuse.

82 Section 3. Section **76-13-103** is amended to read:

83 **76-13-103. Officer's authority at a dog fighting exhibition -- Authority to arrest and take possession of dogs and property.**

70 (1) Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.

71 (2) A peace officer ~~[as defined in Title 53, Chapter 13, Peace Officer Classifications, ]~~may enter any place, building, or tenement where an exhibition of dog fighting is occurring, or where preparations are being made for such an exhibition and, without a warrant, arrest all persons present.

75 (3)

(a) Notwithstanding the provisions of Section 76-13-102, Officer's authority to take possession of an animal, any authorized peace officer who makes an arrest under Subsection (2) may lawfully take possession of all dogs, paraphernalia, implements, or other property or things used or employed, or to be employed, in an exhibition of dog fighting prohibited by Subsection 76-13-202(2)(e) or Section 76-13-205, Dog fighting.

81 (b) The peace officer, at the time of the taking of property pursuant to Subsection (3)(a), shall state the peace officer's name and provide other identifying information to the person in charge of the dogs or property taken.

84 (4)

(a) After taking possession of dogs, paraphernalia, implements, or other property or things under Subsection (3), the peace officer shall file an affidavit with the judge or magistrate before whom a complaint has been made against any person arrested under this section.

88 (b) The affidavit shall include:

89 (i) the name of the person charged in the complaint;

90 (ii) a description of all property taken;

91 (iii) the time and place of the taking of the property;

92 (iv) the name of the person from whom the property was taken;

93 (v) the name of the person who claims to own the property, if known; and

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(vi) a statement that the peace officer has reason to believe and believes that the property taken was used or employed, or was to be used or employed, in violation of Section 76-13-202, 76-13-203, 76-13-204, or 76-13-205, and the grounds for the belief.

98 (5)

(a) The peace officer shall deliver the confiscated property to the judge or magistrate who shall, by order, place the property in the custody of the peace officer or any other person designated in the order, and that person shall keep the property until:

101 (i) if the property is an animal, the animal is impounded or forfeited according to the procedures under Section 77-11a-206, Section 77-11a-207, or Title 78B, Chapter 3, Part 13, Petition for Forfeiture of Animal Held in Connection with a Crime or Abuse; or

105 (ii) the conviction or final discharge of the person against whom the complaint was made.

107 (b) The person designated in Subsection (5)(a) shall assume immediate custody of the property, and retain the property until further order of the court.

109 (c) Upon conviction of the person charged, all confiscated property shall be forfeited and destroyed or otherwise disposed of, as the court may order.

111 (d) If the person charged is acquitted or discharged without conviction, the court shall, on demand, order the property to be returned to its owner.

### Section 4. Section 77-11a-101 is amended to read:

#### **77-11a-101. Definitions.**

As used in this chapter:

131 (1)

(a) "Agency" means an agency of this state or a political subdivision of this state.

132 (b) "Agency" includes a law enforcement agency or a multijurisdictional task force.

133 (2) "Animal control officer" means the same as that term is defined in Section 11-46-102.

134 [~~(2)~~] (3) "Claimant" means:

135 (a) an owner of property;

136 (b) an interest holder; or

137 (c) an individual or entity who asserts a claim to any property for which an agency seeks to forfeit.

139 [~~(3)~~] (4)

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(a) "Computer" means, except as provided in Subsection [(3)(e),] (4)(c), an electronic, magnetic, optical, electrochemical, or other high-speed data processing device that performs logical, arithmetic, and storage functions.

142 (b) "Computer" includes any device that is used for the storage of digital or electronic files, flash memory, software, or other electronic information.

144 (c) "Computer" does not mean a computer server of an Internet or electronic service provider, or the service provider's employee, if used to comply with the requirements under 18 U.S.C. Sec. 2258A.

147 [(4)] (5)

(a) "Contraband" means any property, item, or substance that is unlawful to produce or to possess under state or federal law.

149 (b) "Contraband" includes:

150 (i) a controlled substance that is possessed, transferred, distributed, or offered for distribution in violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

153 (ii) a computer that:

154 (A) contains or houses child sexual abuse material, or is used to create, download, transfer, upload to a storage account, or store any electronic or digital files containing child sexual abuse material; or

157 (B) contains the personal identifying information of another individual, as defined in Section 76-6-1101, whether that individual is alive or deceased, and the personal identifying information has been used to create false or fraudulent identification documents or financial transaction cards in violation of Title 76, Chapter 6, Part 5, Fraud.

162 [(5)] (6) "Controlled substance" means the same as that term is defined in Section 58-37-2.

163 [(6)] (7) "Court" means a municipal, county, or state court.

164 [(7)] (8) "Division of Law Enforcement" means the division within the Department of Natural Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.

167 [(8)] (9) "Evidence" means the same as that term is defined in Section 77-11c-101.

168 (10) "First responder" means the same as that term is defined in Section 34A-2-102.

169 [(9)] (11) "Forfeit" means to divest a claimant of an ownership interest in property seized by a peace officer or agency.

171 [(10)] (12) "Innocent owner" means a claimant who:

172 (a) held an ownership interest in property at the time of the commission of an offense subjecting the property to seizure, and:

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- 174 (i) did not have actual knowledge of the offense subjecting the property to seizure; or
- 175 (ii) upon learning of the commission of the offense, took reasonable steps to prohibit the use of the property in the commission of the offense; or
- 177 (b) acquired an ownership interest in the property and had no knowledge that the commission of the offense subjecting the property to seizure had occurred or that the property had been seized, and:
- 180 (i) acquired the property in a bona fide transaction for value;
- 181 (ii) was an individual, including a minor child, who acquired an interest in the property through probate or inheritance; or
- 183 (iii) was a spouse who acquired an interest in property through dissolution of marriage or by operation of law.

185 **[(14)] (13)**

- (a) "Interest holder" means a secured party as defined in Section 70A-9a-102, a party with a right-of-offset, a mortgagee, lien creditor, or the beneficiary of a security interest or encumbrance pertaining to an interest in property, whose interest would be perfected against a good faith purchaser for value.
- (b) "Interest holder" does not mean a person:
  - (i) who holds property for the benefit of or as an agent or nominee for another person; or
  - (ii) who is not in substantial compliance with any statute requiring an interest in property to be:
    - (A) recorded or reflected in public records in order to perfect the interest against a good faith purchaser for value; or
    - (B) held in control by a secured party, as defined in Section 70A-9a-102, in accordance with Section 70A-9a-314 in order to perfect the interest against a good faith purchaser for value.

199 **[(12)] (14)** "Law enforcement agency" means:

- (a) a municipal, county, state institution of higher education, or state police force or department;
- (b) a sheriff's office; or
- (c) a municipal, county, or state prosecuting authority.

204 **[(13)] (15)** "Legislative body" means:

- (a)
  - (i) the Legislature, county commission, county council, city commission, city council, or town council that has fiscal oversight and budgetary approval authority over an agency; or
  - (ii) the agency's governing political subdivision; or

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(b) the lead governmental entity of a multijurisdictional task force, as designated in a memorandum of understanding executed by the agencies participating in the task force.

212 [¶14] (16) "Multijurisdictional task force" means a law enforcement task force or other agency comprised of individuals who are employed by or acting under the authority of different governmental entities, including federal, state, county, or municipal governments, or any combination of federal, state, county, or municipal agencies.

216 [¶15] (17) "Owner" means an individual or entity, other than an interest holder, that possesses a bona fide legal or equitable interest in property.

218 [¶16] (18) "Pawn or secondhand business" means the same as that term is defined in Section 13-32a-102.

220 [¶17] (19) "Peace officer" means an employee:

221 (a) of an agency;

222 (b) whose duties consist primarily of the prevention and detection of violations of laws of this state or a political subdivision of this state; and

224 (c) who is authorized by the agency to seize property.

225 [¶18] (20)

(a) "Proceeds" means:

226 (i) property of any kind that is obtained directly or indirectly as a result of the commission of an offense; or

228 (ii) any property acquired directly or indirectly from, produced through, realized through, or caused by an act or omission regarding property under Subsection [¶18](a)(i) (20)(a)(i).

231 (b) "Proceeds" includes any property of any kind without reduction for expenses incurred in the acquisition, maintenance, or production of that property, or any other purpose regarding property under Subsection [¶18](a)(i) (20)(a)(i).

234 (c) "Proceeds" is not limited to the net gain or profit realized from the offense that subjects the property to seizure.

236 [¶19] (21)

(a) "Property" means all property, whether real or personal, tangible or intangible.

238 (b) "Property" does not include contraband.

239 [¶20] (22) "Prosecuting attorney" means:

240 (a) the attorney general and an assistant attorney general;

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241 (b) a district attorney or deputy district attorney;  
242 (c) a county attorney or assistant county attorney; and  
243 (d) an attorney authorized to commence an action on behalf of the state.  
244 [~~(21)~~] (23) "Public interest use" means a:  
245 (a) use by a government agency as determined by the legislative body of the agency's jurisdiction; or  
247 (b) donation of the property to a nonprofit charity registered with the state.  
248 [~~(22)~~] (24) "Real property" means land, including any building, fixture, improvement, appurtenance,  
249 structure, or other development that is affixed permanently to land.  
250 [~~(23)~~] (25)  
251 (a) "Seized property" means property seized by a peace officer or agency in accordance with Section  
252 77-11a-201.  
253 (b) "Seized property" includes property that the agency seeks to forfeit under Chapter 11b, Forfeiture of  
254 Seized Property.

255 Section 5. Section 5 is enacted to read:

**77-11a-206. Authority to enter and impound animal -- Order of impoundment.**

115 (1) If there is probable cause to believe that any animal is being subjected to treatment in violation  
of Section 76-13-104, 76-13-202, 76-13-203, 76-13-204, 76-13-205, 76-13-207, 76-13-212, or  
76-13-213, a peace officer, an animal control officer, or a first responder, after obtaining a search  
warrant or in any other manner authorized by law, may enter the premises or motor vehicle where  
the animal is located to provide the animal with food, water, and emergency medical treatment, and  
may impound the animal.

121 (2) If the peace officer, animal control officer, or first responder impounds the animal and, after  
122 reasonable effort, the owner or person having custody of the animal cannot be found and notified of  
123 the impoundment, notice of the impoundment shall be:  
124 (a) conspicuously posted on the premises or motor vehicle; and  
125 (b) sent by certified mail within 72 hours after the impoundment to the address where the animal was  
impounded.

127 (3) A peace officer, animal control officer, or first responder is not liable for any damage to a premises  
128 or motor vehicle resulting from an entry under Subsection (1), unless the damage was caused  
129 by an unnecessary action of the peace officer, animal control officer, or first responder that was  
130 intentional or reckless.

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130 (4)

- (a) A court may order an animal impounded under this section to be held at an animal shelter.
- (b) A facility receiving the animal shall provide adequate food and water and may provide veterinary care.

276 Section 6. Section 6 is enacted to read:

277 **77-11a-207. Forfeiture of rights to mistreated animal upon conviction -- Placement of animal**  
**-- Additional obligations or educational requirements.**

137 (1) As used in this section, "minimum care" means the following, taking into account the species, age, and physical condition of the animal:

- (a) appropriate and essential food and water;
- (b) adequate protection, including appropriate shelter, against extreme weather conditions; and
- (c) other essential care as may be determined by the animal shelter or court.

143 (2)

(a) In addition to, and not in lieu of, any other sentence a court may impose, a court may, prior to sentencing, require an animal owner who is convicted under Section 76-13-104, 76-13-202, 76-13-203, 76-13-204, 76-13-205, 76-13-207, 76-13-212, or 76-13-213, to:

(i) forfeit any rights to the animal subjected to the violation; and

(ii) repay the {reasonable} costs incurred in caring for each animal associated with the criminal proceeding by a government agency, animal shelter, or an agent of the government agency or animal shelter.

151 (b) If a government agency, an animal shelter, or an agent of the government agency or animal shelter provides care and treatment for impounded or seized animals, a court that orders a convicted animal owner to repay {reasonable} costs of care may not reduce the incurred cost amount based on the government agency or animal shelter having received donations or other funding for the care.

156 (3)

(a)

(i) If a court orders an animal owner's rights to the animal to be forfeited as part of a criminal case, or pursuant to Title 78B, Chapter 3, Part 13, Petition for Forfeiture of Animal Held in Connection with a Crime or Abuse, the court may further order that those rights be given over to an appropriate person or agency that demonstrates a willingness to accept and care

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for the animal or to the county or an appropriate animal care agency for further disposition in accordance with accepted practices for humane treatment of animals.

163 (ii) The court may not transfer the animal owner's rights to the animal to any person who resides with the animal owner.

165 (b) This Subsection (3) does not limit the right of the person or agency to whom rights are granted to resell or otherwise make disposition of the animal.

167 (c) A transfer of rights under this section constitutes a transfer of ownership.

168 (d)

(i) The court shall order that a person to whom rights are granted under this Subsection (3) be required to execute an agreement to provide minimum care to the animal.

171 (ii) The agreement described in Subsection (3)(d)(i) shall indicate that a person to whom rights are granted may not allow the former owner to possess the animal.

173 (4)

(a) In addition to, and not in lieu of, any other sentence a court may impose as part of a criminal case, a court may order:

(i) the animal owner or person having custody of an animal to repay any reasonable costs incurred by the following entities for providing minimum care to the animal that are not included in a repayment order issued under Subsection (2):

178 (A) a government agency or the government agency's agent; or

179 (B) an animal shelter or the animal shelter's agent; and

180 (ii) an individual convicted under Section 76-13-104, 76-13-202, 76-13-203, 76-13-204, 76-13-205, 76-13-207, 76-13-212, or 76-13-213, to participate in animal cruelty prevention or education programs, if available, and to obtain an assessment and complete appropriate treatment for any mental health disorder that contributed to the commission of the crime.

185 (b) The animal owner shall bear any costs incurred for participation in programs or treatment ordered by the court under Subsection (4)(a)(ii).

329 Section 7. Section 7 is enacted to read:

### **78B-3-1301. Definitions.**

13. Petition for Forfeiture of Animal Held in Connection with a Crime or Abuse  
As used in this part:

191 (1) "Animal" means the same as that term is defined in Section 76-13-202.

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192 (2)

(a) "Animal shelter" means a facility or program that provides services for stray, lost, impounded, or unwanted animals.

194 (b) "Animal shelter" includes a facility or program:

195 (i) that is publicly owned or managed;

196 (ii) that operates using a municipal or government contract for animal services; or

197 (iii) that holds animals or places animals for adoption.

198 (c) "Animal shelter" does not include a private humane society or private animal welfare organization.

200 (3) "Minimum care" means the following, taking into account the species, age, and physical condition of the animal:

202 (a) appropriate and essential food and water;

203 (b) adequate protection, including appropriate shelter, against extreme weather conditions; and

205 (c) other essential care as may be determined by the animal shelter or court.

348 Section 8. Section 8 is enacted to read:

### **78B-3-1302. Forfeiture of animal before disposition of criminal action -- Petition -- Notice -- Hearing.**

209 (1)

(a) A person may bring a cause of action in court by filing a petition, requesting that the court issue an order that a defendant forfeit ownership of an animal or animals before the final disposition of the defendant's criminal action if:

212 (i) the animal is impounded under Section 76-13-103 or {77-11b-502, or} is otherwise being held by an animal shelter or any other animal care facility; and

214 (ii) the animal is being held because the animal owner is awaiting the outcome of a criminal action where the animal owner is a defendant facing a criminal animal abuse charge for violating Section 76-13-104, 76-13-202, 76-13-203, 76-13-204, 76-13-205, 76-13-207, 76-13-212, or 76-13-213.

218 (b) A petition may be filed and heard regardless of whether the specific animal is the subject of a criminal charge or named in the charging instrument in the criminal action.

221 (c) As part of the petition, the petitioner shall include:

222 (i) a description of the impounded animal or animals;

223 (ii) the name of the owner or reputed owner of the impounded animal or animals;

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224 (iii) the location from which the animal or animals were impounded; and  
225 (iv) a statement verifying that the petitioner has provided a copy of the petition to the prosecuting  
attorney.

227 (d) The petitioner shall serve the owner and any other potential claimant pursuant to Rule 4 of the Utah  
Rules of Civil Procedure.

229 (2) Upon receipt of a petition and proof of service, the court shall set a hearing on the petition as soon  
as is practicable.

231 (3)  
(a) At a hearing conducted pursuant to the requirements of this section, the petitioner has the burden of  
establishing, by a preponderance of the evidence, that:  
(i) the animal was subjected to a violation of, or seized in connection with another animal that was  
subjected to a violation of Section 76-13-104, 76-13-202, 76-13-203, 76-13-204, 76-13-205,  
76-13-207, 76-13-212, or 76-13-213; and  
(ii) the facts, circumstances, and actions of the animal owner favor an order that the animal owner's  
ownership of the animal be forfeited.

238 (b) If the court finds by a preponderance of the evidence that the requirements of Subsection (3)(a) have  
been met, the court:  
(i) shall order immediate forfeiture of the animal to the petitioner, a person designated by the petition,  
or to an appropriate person or agency; and  
(ii) may order any relief consistent with Subsection 77-11a-207(3).

385 Section 9. Section 9 is enacted to read:  
**78B-3-1303. Placement of forfeited animal.**

245 (1) If an animal is forfeited according to the provisions of this part, the person or animal shelter to  
which the animal was forfeited may place the animal with a new owner.

247 (2) Placement preference may be given to any person who had prior contact with the animal, including  
family members or friends of the former owner whom the court, or the person or animal agency  
having custody of the animal, determines are capable of providing necessary, adequate, and  
appropriate levels of care for the animal.

251 (3) Notwithstanding any other provision of this section, an animal may not be placed with:  
252 (a) a person who aided or abetted the criminal conduct underlying the forfeiture or had knowledge of  
the criminal conduct and failed to intervene; or

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254 (b) a person who resides with the former owner of the animal.

255 (4) As a condition of placement, the new owner shall execute an agreement that:

256 (a) prohibits the new owner from allowing the former owner to possess the animal; and

257 (b) requires the new owner to provide minimum care to the animal.

400       Section 10. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

1-26-26 9:28 AM