

# **PRE-MEETING READING PACKET**

## **Animal Hoarding Panel Tuesday, September 29, 1:00 p.m.**

### **Issue Summary**

**Background:** Animal hoarding cases can present unique challenges with respect to animal cruelty laws. Such cases may involve people with mental or emotional problems causing them to accumulate more animals than they can properly care for and who may not actually be "purposely" or "knowingly" abusing or neglecting their animals.

Neighbors of people who hoard animals complain of unsightly junkyard properties and unbearable noise and smell. They seek remedies and earlier intervention before the problem becomes overwhelming. Nevertheless, in some cases, valuable breeding animals may be involved and significant private property rights are at stake for the animal owners.

When a county steps in to seize a large number of allegedly abused and neglected animals, the costs and coordination required to treat, care for, and shelter the animals can be staggering.

Opinions vary about whether to provide for specialized or harsher penalties, whether and how to obtain earlier intervention and treatment for animal hoarders, and how to pay for the high costs of intervention in these cases.

Recent high profile cases in Cascade County, Yellowstone County, and Butte-Silverbow have focused attention on the serious problem of animal hoarding in Montana.

**Legislative history:** In 2003, the Montana Legislature passed HB 533 sponsored by Rep. John Parker. The bill established the offense of "aggravated animal cruelty" and a new statute allowing judges to hold an animal welfare hearing to determine whether and how seized animals may be adopted prior to the final outcome of the case. One of the factors that may be considered by the judge is the availability of funding to provide treatment, shelter, and care.

In both the 2007 and 2009 Sessions, similar bills were introduced that would have created an offense of "companion animal hoarding" and authorized a judge to order a psychological evaluation and treatment of the offender: HB 726 (Gallik) in 2007 and SB 221 (Tropila) in 2009. SB 221 from the 2009 Session is attached. The bill was eventually tabled amid debate about the definition of "companion animal hoarding", whether the bill criminalized a mental or emotional disability, and the availability (or lack thereof) of specialized treatment for the offender.

**Committee decision points:** Are current animal cruelty laws sufficient? If not, why not? Does the committee want to further consider changing or augmenting current animal cruelty law and work toward possible committee legislation on this topic for the next session?

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For the Law and Justice Interim Committee, September 29, 2009, meeting.**