

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 3: MISCELLANEOUS OFFENSES

§ 3195. Animal Seizure, Court Hearing, and Disposition.

(a) If there is probable cause to believe that any animal has been involved in a violation of 6 CMC §§ 3192 or 3193, any officer may, after obtaining a proper search warrant from a judge for the premises where the animal is located, enter the premises and impound the animal, as well as any other animals found on the premises which reasonably appear to have been involved in a violation of 6 CMC §§ 3192 or 3193 and use reasonable force to enter private property including a vehicle with or without a warrant to enter said vehicle, for the sole purpose of rescuing an animal from inhumane or cruel conditions.

(b) If after reasonable effort the owner or keeper of the animal cannot be found and notified of the impoundment, the notice shall be conspicuously posted on the premises and, within 24 hours after the impoundment, the notice shall be sent by certified mail, return-receipt requested, to the address, if any, where the animal was impounded. If it is determined after the impoundment that the owner of the animal is separate and distinct from the person from whose custody the animal was impounded, the owner shall be provided notice of and opportunity to participate in all proceedings under this section. The notice shall include:

(1) the name, business address, and telephone number of the officer providing the notice;

(2) a description of the animal seized and the circumstances under which the animal was seized; and

(3) a statement that, in order to receive a post-impoundment hearing, the owner and/or keeper shall request the hearing by signing and returning an enclosed declaration of ownership or right to keep the animal to the court within 10 days, including weekends and holidays, of the date of the notice. The declaration shall include current contact information for the owner and/or keeper. The declaration may be returned by personal delivery or mail.

(c) Any animal so impounded shall be placed with a local animal control facility or humane society on a temporary basis until forfeited to that agency, euthanized, or returned to its owner or keeper.

(d) Post Impoundment Hearing.

(1) The post-impoundment hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. Immediately upon receipt of the request, the court shall contact the impounding officer and the owner and/or keeper in order to notify them of the time and date of the hearing.

(2) Failure of the owner and/or keeper to request or to attend a scheduled hearing shall result in a forfeiture of any right to a post-impoundment hearing and forfeiture of the impounded animal(s).

(3) If it is determined in the hearing that the probable cause required for impoundment pursuant to subsection (a) above did not exist, the animal shall be returned to the owner and/or keeper. If it is determined the impoundment was justified, no further challenge to the impoundment shall be permitted.

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(e) An officer is not liable for any damages for an entry under this section unless the damages were caused by reckless behavior.

(f) A person convicted of a violation of this article shall be liable for all impounding costs, including any veterinary care expenses, from the time of seizure to the time of proper disposition.

Source: PL 21-31, § 3 (July 7, 2020).

Commission Comment: See Commission comment to 6 CMC § 3191.