

Senate Bill 572

By: Senator Williams of the 19th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 4 of the Official Code of Georgia Annotated, relating to
2 humane care for equines, so as to redefine a certain term; to change certain provisions
3 relating to inspection warrants, impoundment authorization, and examination; to change
4 certain provisions relating to a duty to care for impounded equines, lien, and return to owner;
5 to restrict the issuance of statements by the Commissioner of Agriculture or employees of
6 the Department of Agriculture concerning certain alleged violations; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 13 of Title 4 of the Official Code of Georgia Annotated, relating to humane care for
11 equines, is amended by striking paragraph (2) of Code Section 4-13-2, relating to definitions
12 relative to such chapter, and inserting in lieu thereof the following:

13 "(2) 'Equine' means any member of the Equidae species, including without limitation
14 horses, miniature horses, ponies, mules, and asses."

15 **SECTION 2.**

16 Said chapter is further amended by striking Code Section 4-13-4, relating to inspection
17 warrants, impoundment authorization, and examination, and inserting in lieu thereof the
18 following:

19 "4-13-4.

20 (a) At any time there is cause to believe that a violation of Code Section 4-13-3 has
21 occurred, the Commissioner of Agriculture or his or her designated agent ~~may~~ shall apply
22 to the appropriate court in the county in which the equine is located for an inspection
23 warrant under the provisions of Code Section 2-2-11 or any sheriff, deputy sheriff, or other
24 law enforcement officer ~~may~~ shall apply for a search warrant for the purpose of inspecting
25 any equine found on such property to determine if a violation of Code Section 4-13-3 has

1 occurred; provided, however, that the owner of the equine shall be contacted, and the
 2 owner or his or her designated agent, along with a veterinarian of his or her choice, shall
 3 have the option of being present at the time of such inspection unless there is probable
 4 cause to believe the equine is in immediate danger of death or subject to a violent act.

5 (b) The Commissioner or his or her designated agent or any sheriff, deputy sheriff, or other
 6 law enforcement officer is authorized to impound any equine ~~which has not been furnished~~
 7 ~~with adequate food and water,~~ which has not received humane care; or which has been
 8 subjected to cruelty in violation of Code Section 4-13-3. The Commissioner or his or her
 9 designated agent or any sheriff, deputy sheriff, or other law enforcement officer is
 10 authorized to impound any equine which has not been furnished with adequate food and
 11 water but only if the life of such equine appears to be in imminent peril. Such
 12 determination as to the condition or treatment of the equine shall be made on location, prior
 13 to any movement of the equine to another facility, by a licensed veterinarian employed by
 14 the state or federal government following an examination conducted at the request of the
 15 Commissioner or his or her designated agent or any sheriff, deputy sheriff, or other law
 16 enforcement officer; provided, however, that the owner shall be afforded the opportunity
 17 to have a veterinarian of his or her choice examine the equine at the same time and
 18 location, and the owner or his or her designated agent shall have the option of being present
 19 as a witness."

20 SECTION 3.

21 Said chapter is further amended in Code Section 4-13-5, relating to a duty to care for
 22 impounded equines, lien, and return to owner, by designating the existing provisions of
 23 subsection (a) as paragraph (1) thereof and inserting a new paragraph (2) to read as follows:

24 "(2)(A) Any person impounding an equine under paragraph (1) of this subsection shall
 25 make every effort to allow the equine to remain within the immediate area during
 26 impoundment, including but not limited to contracting with a neighbor of the equine's
 27 owner or with a local veterinarian for such purposes.

28 (B) If an option under subparagraph (A) of this paragraph is not feasible, then the
 29 person impounding the equine shall make every effort to find a location within the same
 30 county for such purposes.

31 (C) If neither option under subparagraphs (A) and (B) of this paragraph is feasible,
 32 then the person impounding the equine shall document his or her reasons for not
 33 selecting such options and show that adequate effort was made to pursue such options.
 34 Such documentation shall be filed with the Attorney General and provided to the
 35 members of the General Assembly who represent the area from which the equine was
 36 removed."

SECTION 4.

1

2 Said chapter is further amended by inserting a new Code section to read as follows:

3 "4-13-8.1.

4 Neither the Commissioner nor any department employee shall make or release to the
5 general public or any official organ any official or unofficial statement identifying the
6 owner or caretaker of any equine that has been the victim of an alleged violation of this
7 chapter unless and until criminal charges have been filed against such person."

SECTION 5.

8

9 All laws and parts of laws in conflict with this Act are repealed.