

Bond for Care

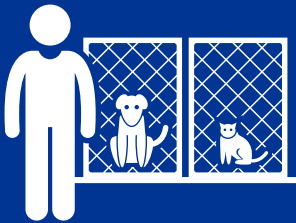
Increasingly, state and local legislative bodies are considering proposals that could force people not proven criminally guilty for offenses involving animals to be financially responsible for the costs of caring for seized animals—usually payable by securing a bond—while their cases are pending. These “bond for care” or “cost of care” proposals are commonly proposed as a means of offsetting a community’s animal control costs.

AKC shares concerns about ensuring that local animal control agencies receive adequate public funding to achieve their public mandate. However, many of these new bills also force a defendant to forfeit ownership of their animals if they are unable to pay for the mandated bonds, regardless of whether they are ultimately not found guilty. AKC has grave concerns about measures that permanently punish individuals simply because they can not afford to pay for bonds for the care and long-term boarding costs for their seized animals while also incurring the significant costs of defending themselves in a court of law.



“Bond for Care” legislation must protect procedural and substantive due process rights.

AKC agrees with the maxim that individuals are “innocent until proven guilty.” Laws must protect defendants’ due process rights, including the opportunity to be heard before the government acts to take away one’s life, liberty, or property. Courts must be permitted to waive assessed fees in cases involving an indigent or disadvantaged defendant who cannot afford the cost of a lengthy and expensive court battle.



“Bond for Care” laws must be limited to allow only reasonable costs to be assessed.

Laws must be written to ensure that no enforcement official, including those who operate government-run animal shelters, is motivated by financial incentives or financial self-interest. To that end, laws must explicitly limit daily care costs to those that are reasonable (i.e., based on a daily public—not private—care rate) and directly related to the basic care of the animals.



Refund of fees unless defendant is found guilty or pleads “no contest”.

Assessed fees should only be made permanent upon a finally-adjudicated finding of guilt or a pleading of “no contest”, not simply upon a determination of probable cause or a lesser evidentiary standard. Fees and animals should be returned to an owner if they are found not guilty or charges are dismissed.

A BETTER SOLUTION: BALANCE

An important balance must be struck in animal cruelty cases. On one hand, the criminal justice system must operate to protect the animals that have been subjected to cruel treatment; while on the other hand, it is important that constitutional guarantees protect an accused person from overreaching governmental enforcement.

Anyone **convicted** of animal cruelty should be held accountable, including paying for the costs of caring for the animals they mistreated; while those found not guilty or whom charges against are dropped must be made whole through a return of seized animals and a refund of all assessed costs.