

Animal Legal Defense Fund Model Possession Ban Law

- (1) In addition to any other penalty imposed by law, a person convicted of a misdemeanor violation of the [*animal protection statutes*], shall not own, possess, reside with, have custody of, or control any animal for a minimum period of five years on a first offense; and for a minimum period of fifteen years on a second or subsequent offense.
- (2) In addition to any other penalty imposed by law, a person convicted of a felony violation of the [*animal protection statutes*], shall not own, possess, reside with, have custody of, or contact with any animal for a minimum period of fifteen years.
- (3) A violation of this section is a [*Class _ misdemeanor*] and shall result in the forfeiture of the offender's interest in the animal.
- (4) Notwithstanding any other provision, a peace officer or certified humane officer may immediately seize any animal found to be kept in violation of this section.
- (5) A person may petition the court to reduce the duration of the mandatory ownership prohibition. Upon receipt of a petition from the defendant, the court shall set a hearing to be conducted within 30 days after the filing of the petition. The petitioner shall serve a copy of the petition upon the prosecuting attorney 10 calendar days prior to the requested hearing. At the hearing, the petitioner shall have the burden of establishing by a preponderance of the evidence all of the following:
 - (A) The petitioner does not present a danger to animals.
 - (B) The petitioner has the ability to properly care for all animals in their possession.
 - (C) The petitioner has successfully completed all classes or counseling ordered by the court.If the petitioner has met their burden, the court may reduce the mandatory ownership prohibition and may order that the defendant comply with reasonable and unannounced inspections by animal control agencies or law enforcement.