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**TESTIMONY IN OPPOSITION TO 19-H 5433,
RELATING TO THE SEIZURE OF ANIMALS
May 1, 2019**

The ACLU of RI has concerns about the breadth of this legislation, which would allow for the seizure of animals by both public and private officials without any due process, and in the absence of exigent circumstances. We believe such broad authority violates the Fourth Amendment's guarantee against unreasonable searches and seizures.

The bill would allow the state veterinarian, local police or Rhode Island SPCA agents to unilaterally seize, without any advance notice to the owner, an animal that they believe is, among other things, "aged, maimed, disabled, lame [or] sick..." The person seizing the animal would then have up to 24 hours to provide written notice to the owner about the seizure.

In addition to the lack of advance notice, the bill contains no requirement that the seizure be necessary to address an exigent circumstance or emergency of any kind. Indeed, the standards for seizing an animal under this bill – which can be based solely on the animal being aged, disabled or sick – are extremely expansive. Government officials, much less representatives of a private organization, simply do not have the power to seize a person's property in this way.

Because we believe this legislation, if enacted, could not withstand constitutional scrutiny, the ACLU opposes its passage.