



Animal Abandonment and Georgia Law

By Claudine Wilkins, Founder of Animal Law Source™, Copyrighted 2016, All Rights Reserved

Animal Abandonment

Animal abandonment is a misdemeanor crime, which carries a maximum sentence of \$1,000 fine and up to 12 months in jail for each count. Animal cruelty, [O.C.G.A. §16-12-4](#) can also be charged in addition to animal abandonment. An animal cruelty charge may be a misdemeanor or felony depending on the facts. See [O.C.G.A §16-12-4](#).

Why are there two state criminal codes for Abandonment?

The Dog Abandonment statute is specific to dogs and became law before the Domestic Animal Abandonment statute. Either one can be used for dogs.

Which law is used more often?

Domestic Animal Abandonment, [O.C.G.A. § 4-11-15.1](#).

Where are animals typically abandoned?

Houses, apartments, cars, vet clinics, pet businesses, animal shelters, parks, woods, and neighborhoods. Animals have been tied to trees, left on the side of the road, and even thrown out of moving vehicles.

Are there any excuses that can be used as a defense to the law?

If someone intends to abandon an animal, even if shelter and food is provided, that is abandonment. If an animal is unwanted, the proper action would be to find a new home for the animal or bring it to an animal shelter or veterinary office.

Does the animal have to be suffering, neglected, or abused to meet the abandonment crime? No.

Abandonment occurs when one intends to abandon an animal. The condition of the animal is irrelevant.

Georgia law has two criminal codes for the crime of animal abandonment:

Domestic Animal Abandonment

[O.C.G.A. § 4-11-15.1](#)

It shall be unlawful for any person knowingly and intentionally to abandon any domesticated animal upon any public or private property or public right of way. This Code section shall not be construed as amending or otherwise affecting the provisions of Chapter 3 of this title, relating to livestock running at large or straying.

Dog Abandonment [O.C.G.A. § 4-8-3](#)

No person shall release a dog on any property, public or private, with the intention of abandoning the dog.

The most common excuses given for animal abandonment are:

- Lack of time or resources to care for the animal
- The animal became a liability or too difficult to handle
- A child who wanted the animal has moved out and left the pet with the parents
- Someone will find the animal and provide a better life for him/her

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- Hardship or medical issue

Who can be charged with animal abandonment?

One who *intends* to abandon an animal. This can be shown by actual and/or circumstantial evidence. An example would be an owner who is evicted from their apartment who takes their belongings but leaves their pet behind.

What if the person did not intend for the animal to be abandoned?

One who leaves property or fails to return to property as a result of an unforeseen event may not intend to abandon the animal. Such a person should take reasonable precautions for the animal by notifying police, animal control and/or a friend or family member to care for or remove the animal. If the person did not “intend” to abandon the animal, the crime of abandonment would not be supported.

What if someone abandons multiple animals or multiple people abandoned same animal?

Each animal abandoned is a separate crime. If more than one person abandons the same animal each person should be charged; also consider conspiracy charges if the facts support a conspiracy.

What if the county has its own abandonment ordinance?

Depending on the jurisdiction, an animal control officer may prefer to use their local abandonment ordinance. However, state law can be used in any abandonment case. POST certified officers should assist with state violations and the impoundment of the animal, especially when the premises has to be breached. A state law violation will create a state criminal record - an ordinance violation will not.

Can abandonment be a felony?

No, but animal cruelty can be a felony if the facts support the felony provisions of the animal cruelty statute.

What is the typical protocol for abandonment cases?

Once a report of animal abandonment has been made, an investigation to determine if the owner has abandoned the animal should commence. Often, an investigator will post a notice on the residence for 24-36 hours. If no one responds the animal should be impounded. However, if exigent circumstances exist (ex. the animal is suffering) the animal should be impounded immediately and seen by a veterinarian. An investigation should be conducted to determine a possible forwarding address by speaking with neighbors, a leasing office, landlord, or mailman. If an owner can be located an officer should cite the owner under the local ordinance or obtain a warrant for state charges. An animal will typically be held at the county shelter for the county holding period (ex. 5 days) for a reclaim by the owner. Consider charges when the owner attempts to reclaim the animal if warranted. If an owner does not reclaim the animal, the animal may typically be adopted or euthanized depending on the circumstances.

What is an appropriate sentence for someone convicted of abandonment?

Although differences in sentencing will vary from jurisdiction to jurisdiction here are some considerations: ask for some amount of probation so there is oversight for a period of time; the defendant should not be allowed to have any animals in his custody, control or household; consider community service with the sanitation department – picking up deceased animals; fines; and/or jail time if the defendant is a habitual offender. Always consider the defendant’s criminal history for purposes of aggravation or mitigation. Animal abandonment should be treated seriously and facts in aggravation should be considered (ex. a person leaves an animal locked in a room with no food or water).

What if abandonment occurs at a vet clinic or boarding facility licensed by the GA DOA?

The abandonment law applies regardless of the location of abandonment. Under [O.C.G.A. § 44-14-490](#), veterinarians, in particular, can utilize the lien statute that specifically allows a veterinarian to place a lien on each animal that has been treated, boarded or cared for by that veterinarian so long as the veterinarian has a contract (written agreement, course of conduct, or understanding) with that animal's owner. Late payment fees, returned check fees, and all costs of collection, including but not limited to reasonable attorney's fees and expenses of litigation and costs of sale may be considered in this lien. The veterinarian shall have the right to retain the animal or pet until the charges are paid. Other than a licensed veterinarian, every operator of a licensed facility for boarding animals or pets (veterinary hospitals, boarding kennels, stables, livestock sales barns, and humane societies) shall have a lien on each animal or pet in his or her care for the payment of all charges of such operator. The operator of such a facility shall have the right to retain the animal or pet until the charges are paid in full.

If a person drops off an animal at vet clinic and does not intend to come back, is the veterinarian under a duty to provide care unless and until the owner's request/pay for the service? A vet has an ethical duty to care animal(s) left in his/her possession. This scenario happens a lot - especially at emergency clinics. For example, almost all emergency clinics will not initiate treatment until cash or credit payment has been received. The veterinarian should have the proper forms for registration of clients and intake of animals. "Consent to Resuscitate" or "Consent for Treatment" forms should be provided to clients - both of which should include a space for the client (not the receptionist) to write in a maximum amount approved for treatment and two phone numbers where the client can be reached. If the veterinarian is suspicious, he/she should call the numbers provided while the owner(s)/client(s) is/are still in the clinic to make sure the numbers are valid. If the client provides fake/disconnected numbers, abandonment will attach. A veterinarian should contact animal control or police and report that the animal was abandoned. Then, an investigation of abandonment should ensue. In exigent circumstances concerning the animals' health, you may ask the animal control officer or police officer to take immediate action and go to the last known address of the client and/or research the phone number to verify its validity. Veterinarians should execute due diligence by utilizing [O.C.G.A. § 44-14-490 through § 44-14-494](#)

What if the animal needs to be euthanized due to a health condition before a certified letter and 10-day wait can be executed?

A veterinarian has an ethical duty to care for the animal. If the animal is suffering and stabilizing the animal for a long period is not an option, the veterinarian should execute as much due diligence as possible and:

- 1) Contact the animal control officer or police, report the facts, list all actions/due diligence taken by veterinarian and staff, explain to officers the need to euthanize based on veterinarian expert opinion & animal suffering, and request that the animal control officer or police investigate abandonment. Ask investigator if the body shall be refrigerated for evidence in a potential case. Keep your own report and take photos of the animal for possible evidentiary purposes. Even if euthanasia occurs, a veterinarian still has a lien for any cost related to holding, stabilizing, and euthanizing said animal. If a criminal case is pending for abandonment, the veterinarian should ask the prosecutor for restitution for cost incurred. This should be done before the case is adjudicated.
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- 2) Euthanize the animal, refrigerate carcass and communicate with investigator and prosecutor on when to dispose of the animal.

O.C.G.A. § 44-14-490. Lien for treatment, board, or care of animal; right to retain possession

Every licensed veterinarian shall have a lien on each animal or pet treated, boarded, or cared for by him or her while in his or her custody and under contract with the owner of the animal or pet for the payment of charges for the treatment, board, or care of the animal or pet; and the veterinarian shall have the right to retain the animal or pet until the charges are paid.

(b)(1) As used in this subsection, the term:

(A) "Charges" means:

(i) Any charges, fees, expenses, and reimbursements which have been contracted for, agreed to, or otherwise mutually acknowledged by written agreement, course of conduct, or understanding, including but not limited to:

(I) Board, care, services, and treatment of the animal or pet, whether provided by the operator or by a third party and incurred by the operator;

(II) Farrier and veterinary fees and expenses incurred by the operator for or on behalf of the boarded animal or pet; and

(III) Fees and expenses for transportation of the animal or pet; and

(ii) Late payment fees, returned check fees, and all costs of collection, including but not limited to reasonable attorney's fees and expenses of litigation and costs of sale.

Charges shall not include fees, expenses, or commissions of any kind relating to purchase, sale, or lease of such animal or pet, other than a sale pursuant to Code Section 44-14-491.

(B) "Facility for boarding animals or pets" shall include, but not be limited to, veterinary hospitals, boarding kennels, stables, livestock sales barns, and humane societies.

(2) Every operator of a facility for boarding animals or pets which facility is licensed by the Department of Agriculture, other than a licensed veterinarian, shall have a lien on each animal or pet in his or her care for the payment of all charges of such operator; and the operator of such a have the right to retain the animal or pet until the charges are paid in full.

(C) Any person grants a lien by this Code section may waive such lien in writing.

§ 44-14-492. Disposition of sale proceeds

When any animal or pet is sold as authorized in this part to satisfy a lien for any of the services enumerated in Code Section 44-14-490, any surplus realized from the sale after payment of the charges and any expenses incurred in making the demand for payment thereof in connection with the sale shall be paid to the owner of the animal or pet.

§ 44-14-493. Necessity of other legal proceedings

Other than compliance with the requirements of this part, no legal proceedings shall be necessary for the enforcement of the lien created by this part.

§ 44-14-494. Criminal liability under Code Section 44-14-491

It shall not constitute a violation of O.C.G.A. § 16-12-4 if a licensed veterinarian or an operator of a facility for boarding animals or pets disposes of an animal or pet as provided in Code Section 44-14-491.

If a veterinarian suspects abandonment or animal abuse, can he/she impound an animal?

Veterinarians are private citizens, and therefore, cannot impound an animal under Title 4. A vet who does so could be subject to theft charges and/or civil problems.

What should a vet do if they suspect abandonment or animal abuse?

The proper course for the vet would be to call law enforcement - just like a pediatrician who suspects child abuse.

Does a vet have a duty to report animal abuse?

According to the AVMA a licensed veterinarian or veterinary technician having reasonable cause to believe that an animal has been subjected to animal cruelty *may* make a report. If they report abuse in good faith, they are immune from civil liability. [O.C.G.A. § 4-11-17](#)

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