



## 2012 Legislative Agriculture Chairs Summit

### Resolution on Due Process and Respect for Property

- Whereas,** the State Ag and Rural Leaders, (SARL) is comprised of agriculture and rural leaders of state and provincial legislative bodies from the US and Canada; and
- Whereas,** one of the core principles underlying the founding of the Nation and the Constitution is the recognition of and respect for private property rights, both real and personal; and
- Whereas,** throughout the history of the nation it has been recognized that animals held for any purpose, including animals used in agriculture and those held as personal pets, are the constitutionally protected personal property of their owners;
- Whereas,** the fact that one of the responsibilities of all animal owners is to care for their animals in a manner that is consistent with generally recognized legal standards of care does not change the status of animals as the owner's private personal property; and
- Whereas,** the owners of animals are entitled to all the constitutional protections of their property rights, including the right not to be deprived of their property without due process of law; and
- Whereas,** there have been numerous instances in which animal owners have been deprived of their property without due process on the basis of allegations of inadequate care without regard to whether such allegations are found to be true and where there was no threat to public safety; now therefore be it
- Resolved,** that SARL urges the legislatures of each of the states to enact such legislation as may be necessary to ensure that, except in the case of exigent circumstances caused by specific and direct threat to public safety, no animal should be taken from its owner by any state or local authority absent the full and appropriate measures of legal due process, including the requiring an order issued by a court that finds that the removal of the animals is legally justified; and be it further resolved that
- Resolved,** the legislatures should also take steps to ensure that only fully authorized state and local law enforcement officials should be allowed to initiate any seizure of animals from any owner and that only such officials are authorized to take possession of such animals upon seizure.
- Resolved,** that this resolution be submitted to the leadership of state legislative agriculture committees and Departments of Agriculture.

*Approved by members of State Agriculture and Rural Leaders  
Legislative Agriculture Chairs Summit  
January 8, 2012 - Arlington, Virginia*