

The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes
18 December 2017

- 1) The regular meeting of the Governor's Commission on the Humane Treatment of Animals was called to order at 1:00 PM in Room 206 of the Legislative Office Building by Chairperson Patricia Morris.
- 2) **Members Present:**
 - a) Dr. Jane Barlow Roy, NH Veterinary Medical Association
 - b) Patricia Morris, Chairperson & Equine Association
 - c) Lindsay Hamrick, National Humane Organization & Secretary
 - d) Heather Faria, NH Federation of Humane Organizations
 - e) Steve Sprowl, Humane Cruelty Investigator
 - f) Cynthia Collins, Marga Coulp, Tom Seymour, Dr. Jeri Zezula, Tom Ruzer and Jennifer Eber, Kristy Atherton, General Public
 - g) Dot Perkins, UNH Cooperative Extension
 - h) Chairman John O'Connor, House Representative
 - i) Dr. Stephen Crawford, State Veterinarian
 - j) Gary Lambert, NH Sportsmen
 - k) Senator Regina Birdsell, Senate Representative
 - l) Wendy Munroe, NH Veterinary Technician Association

Public Present: Tyler Clark, NH Veterinary Medical Association; Dave McKillop, NH Wildlife Association

 - m) **Members Absent:** Chief Dean Rondeau, NH Police Chiefs Association; Sheila Johannesen, NH Animal Control Association; George Cook, Dog Owners of the Granite State; Sheriff Brad Valerino, Sheriff's Association
- 3) **Secretary's Report:** Representative O'Connor moved to accept the minutes from the November meeting subject to the inclusion of Dr. Crawford's email regarding the licensing of dogs. Dr. Crawford seconded. All voted in favor.
- 4) **Current Cruelty Cases**
 - a) The defendant in the Wolfeboro Great Dane cruelty case has been convicted on ten counts of animal cruelty.
 - b) There have been two, high-profile felony level cruelty cases this year. The first involves a Manchester woman who [allegedly threw a ferret into an oven](#) and cooked him alive to get back at her roommate. The defendant is being held on \$10,000 bail and the Judge in the case has raised concerns about the defendant's future child (the defendant is eight months pregnant). The second involves a Keene man who admitted to [strangling two of his ex-girlfriend's cats to death](#) and dumping their bodies on the property of the Monadnock Humane Society. He was charged with felony cruelty and pled down to misdemeanor charges and a suspended jail sentence despite the clear indicators of domestic violence.
 - c) Thirty-six German Shepherds have died in two separate fires at a breeding kennel in Bristol.
- 5) **2018 Legislative Review & Commission Votes**
 - a) The Commission voted to determine whether the following bills fall under the purview of the Commission's Executive Order. The bills in which a majority voted "yay", will be monitored by the Commission.
 - i) HB 1394: Allows citizens to intervene when an animal is in distress in a hot car as long as law enforcement has been notified and cannot respond in time to rescue the animal.
 - a) Commission voted unanimously to monitor HB 1394
 - ii) HB 1723: Reduces the burden of proof needed for felony animal cruelty from "purposeful" to "reckless"
 - a) Commission voted unanimously to monitor HB 1723
 - iii) HB 1385: Creates a committee to study animal welfare
 - a) Commission voted unanimously to monitor HB 1385

- iv) HB 1238: This bill updates a former law that was not updated when the number of the animal cruelty code changed. This is an administrative update and allows for liens on a defendant's property to cover the costs of animal cruelty and allows law enforcement to seize an animal if they personally witness animal cruelty.
 - a) Commission voted unanimously to monitor HB 1238
- v) HB 1231: This bill increases the fee for a dog license for senior citizens
 - a) Commission voted unanimously not to monitor HB 1231.
- vi) HB 1309: This bill reinserts previous language that was accidentally removed from RSA 437 in the last state budget that allows animal shelters, which hold contracts with towns to provide municipal services, to be exempt from certain portions of RSA 437 such as a requirement for health certificates on animals which originate from New Hampshire.
 - a) Commission voted unanimously not to monitor HB 1309
- vii) HB 1414: Extends the amount of time someone has to pay a civil forfeiture for not licensing their dog.
 - a) Commission voted unanimously not to monitor HB 1414
- viii) HB 1412: Adds native wildlife to the animal cruelty code.
 - a) Commission voted 14-3 to monitor HB 1412
- ix) HB 1342: Would allow sportsmen's clubs to trap rabbits and hares for use by AKC beagle clubs.
 - a) Commission voted 9-7 not to monitor HB 1342
- b) Final tally: Bills to Monitor
 - i) HB 1394, HB 1723, HB 1385, HB 1238, HB 1412

6) Old Business

a) Cruelty tracking

- i) Jennifer Eber submitted a request to the courts to analyze cruelty charges and convictions over the past two years. The report does not include violations of the equine care laws in RSA 435 and it is unclear if the report reflects juvenile cases. Jennifer will follow up with the courts. The tracking subcommittee will determine which portions of the reports to include in a Commission report.
- ii) Trish Morris has secured assistance from UNH interns to help compile cases for the final report.
- iii) Dr. Zezula questioned why cruelty charges for motor vehicle violations were charged as violations rather than misdemeanors. New Hampshire law does not allow the reduction of charges in a law that has an enhanced penalty. NH's cruelty code states that someone is guilty of a misdemeanor on the first offense and felony for a subsequent offense, thus any acts committed under the cruelty code should not be allowed to be tried as violations. Jennifer Eber suggested the Commission choose two of these cases to analyze further.
- iv) One current case is listed as pending even though the courts found the defendant incompetent to stand trial last year. Jennifer will check on the timing of the reports and whether animal ownership issues keep a cruelty case listed as pending even after a criminal decision has been made.

b) Funding

- i) Dr. Jeri Zezula researched other states and laws allowing for a "victim's compensation fund" in animal cruelty cases. In Illinois, a fund exists which is administered by the Dept. of Agriculture but the Illinois Dept. of Ag. oversees cruelty cases whereas the NH Dept. of Agriculture does not. Connecticut has a cost of animal care law requiring defendants to pay a reasonable amount toward the care of their animals while the case moves through the court process but also has money in the general fund to which towns can apply for funding to care for animals seized. Maryland passed an animal emergency compensation fund in 2017 through HB 941 which is funded through fines for convictions.
- ii) Dr. Crawford described the Maine program which is a division within the Dept. of Agriculture which oversees animal cruelty and has ~\$400,000 to address costs which is raised through dog licenses, a pet food surcharge and a license plate program.
- iii) Dr. Jeri suggested that with some changes in current laws, the towns might be able to complete inspections on pet vendors via the group dog license law and other local ordinances to ensure requirements are met per the town health officer and ACO/law enforcement. Lindsay Hamrick pointed out that health officials, law enforcement and animal control can already inspect licensed entities but do not have direct jurisdiction over someone with a group license (five or more dogs) that is not a licensed commercial breeder.

c) Quorum protocols

- i) Trish Morris clarified with the Governor's office that subcommittees can meet and discuss issues via email as long as there is not a quorum (fewer than eight). Each of the three subcommittees will have seven members serving and while this structure does not fall under the Right to Know requirements, members should be aware that all communication regarding the Commission is subject to public disclosure. Dr. Crawford recommended that those using private email addresses create new email addresses for the purposes of the Commission.

7) 2018 Meeting Dates

- a) Monday, January 22nd, 2018, 1-3:30pm
- b) Monday, February 19th, 2018, 1-3:30pm (note: this is President's Day and the Commission will discuss rescheduling this date at the January meeting)
- c) Monday, March 19th, 2018, 1-3:30pm
- d) Monday, April 23rd, 2018, 1-3:30pm
- e) Monday, May 21st, 2018, 1-3:30pm

8) Open Discussion

- a) No discussion

9) Call to the Public

- a) No comments

Dr. Crawford moved to adjourn the regular meeting. Marga Coulp seconded. All voted in favor.

The three subcommittees met in breakout sessions following the general meeting. Chairs and co-Chairs are highlighted in bold:

10) Animal Cruelty Cases & Conviction Tracking

- a) Subcommittee: Steve Sprowl, Sheila Johannsen, Chief Dean Rondeau, Jennifer Eber, Heather Faria, Wendy Munroe, Brian Valerino
- b) The subcommittee reviewed the Executive Order for the details of the biennial report and decided to set a goal of gathering data for animal-cruelty convictions and animal cruelty related cases and investigations for the 2016 and 2017 time period.
- c) There was discussion in how the data would not be complete given the limitations in reporting by police and other investigators, but the subcommittee is going to push to get in the 2016 data available in the next month and then push for the 2017 data in the beginning of the year.
- d) Wendy Munroe is going to work with law enforcement members to gather the IMC and NCIC data.
- e) Heather Faria and Steve Sprowl are going to work with the Federation to gather data from the NH humane societies.
- f) Jennifer Eber is going to review and supplement the court data.

11) Legislative Subcommittee

- a) Subcommittee: **George Cook, Lindsay Hamrick**, Senator Birdsell, Representative O'Connor, Dr. Crawford, Dr. Barlow, Tom DeRosa
- b) The subcommittee discussed the four House bills determined to fall under the Commission's purview. Lindsay will get clarification on HB 1238, Chairman O'Connor will keep the subcommittee informed of HB 1723 and HB 1385.
- c) Legislative reports are due to the Governor's office every other year, however, in order to keep Governor Sununu informed, the subcommittee discussed sending three reports annually to highlight the bills the Commission is following and summaries of their impacts on animal cruelty as well as a fall report on the gaps in the laws and recommendations. The first report will be issued in January highlighting current legislation, the second issued at the close of session with a summary of committee and floor actions and the third issued in the fall with a review of initiatives by the Commission close loopholes in the law. The subcommittee will also provide links to Senate audio recordings and, whenever possible, documentation from House hearings. Lindsay will draft a template for the report for review by the co-chair and subcommittee.

- d) The subcommittee also discussed how the Commission would submit comments on legislation that the Commission takes a position on. The subcommittee felt it was appropriate that only the Chair speak on behalf of the Commission. Individual members are allowed to testify on legislation but only as individuals or for the organizations and agencies they represent, not as a voice for the full Commission.

12) **Training & Funding**

- a) Subcommittee: **Jeri Zezula**, Cynthia Collins, Dot Perkins, Tom Seymour, Kristi Atherton, Marga Culp, Gary Lambert
- b) The subcommittee will review and update the Commission's current educational brochures and expanding on the brochures to include poultry, pigs, reptiles and goats. The full Commission will review and approve all materials and the subcommittee will work on a marketing plan to get the brochures to law enforcement, veterinarians, prosecutors and judges.
- c) The subcommittee felt it was too early to discuss funding sources for cruelty cases because there is currently no mechanism in place to deposit and distribute the funds. The subcommittee will keep a list of ideas.

Respectfully submitted by: Lindsay Hamrick, Secretary