

The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes

22 January 2018

- 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 203 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 DeRosa, Jennifer Eber, Kristy Atherton, General Public
 - g) Dot Perkins, UNH Cooperative Extension
 - h) Chairman John O'Connor, House Representative
 - i) Gary Lambert, NH Sportsmen
 - j) Wendy Munroe, NH Veterinary Technician Association
 - k) Sheila Johannesen, NH Animal Control Association
 - l) Chief Dean Rondeau, NH Police Chiefs Association

Public Present: NH Veterinary Medical Association Lobbyist, Mother of Sheila Johannesen

 - m) **Members Absent:** George Cook, Dog Owners of the Granite State; Sheriff Brad Valerino, Sheriff's Association, Senator Regina Birdsell, Senate Representative, Dr. Stephen Crawford, State Veterinarian
- 3) **Secretary's Report:** Dr. Zezula clarified that at the December meeting she presented on ideas that could be considered to assist with funding for cruelty but were not currently in place. Representative O'Connor moved to accept the minutes from the December meeting. Chief Rondeau seconded. All voted in favor.
- 4) **Current Cruelty Cases & Laws**
 - a) CT enacted a new law last year that allows court appointed advocates for animals in cruelty cases. This program is led by the law school and students can advocate, research, and recommend sentencing.
 - b) There will be motion hearings regarding the Wolfeboro Great Dane cruelty case in late January and early February. The District Court Judge sentenced the defendant to a ban on animal ownership, with the exception of one spayed or neutered animal for the rest of her life, restitution was ordered to The HSUS, town of Wolfeboro and Pope Memorial SPCA of over \$800,000, however, the sentencing is stayed while the appeal process continues through the Superior Court.
 - c) The owner of 36 German Shepherds who died in two separate fires at a breeding kennel in Bristol has been charged with five counts of misdemeanor animal cruelty. She has also been charged with 22 misdemeanor counts of animal cruelty after the dogs were seized from an unheated barn in Alexandria.
 - d) A cruelty case involving 16 Pit Bulls seized from Berlin last March will go to trial in February.
 - e) NHSPCA took in 21 abandoned animals from Exeter who had allegedly been abandoned for three weeks.
 - f) There have been a number of cases in which animals were both "abandoned" and therefore, fall under the current abandonment law which allows transfer of ownership after seven days of sending a certified letter and also cruelty charges. These scenarios create questions for law enforcement on whether an abandoned animal who is also part of a cruelty case can be legally released following the abandonment laws and this is an area where the Manual on Investigations could be clarified.
 - g) Patricia Morris has been assisting with a civil lawsuit requiring a defendant to pay costs to care for animals in a case where the defendant was found incompetent to stand trial.

5) 2018 Legislative Review & Commission Votes

a) The Commission voted on the following bills:

- 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) The majority of the Commission voted to **support HB 1394**
 - i) Yay - 9
 - ii) No - 2
 - iii) Monitor - 5
 - iv) Abstain - 1
 - b) The public hearing for this bill was held on 1/17 with House Criminal Justice & Public Safety. They are expected to vote on the bill next week.
 - c) Discussion - Recommendation to add animal control, state park staff and mall security to the law enforcement section of the current law as they are on scene faster than law enforcement in many cases.
- ii) **HB 1723:** Reduces the burden of proof needed for felony animal cruelty from “purposeful” to “reckless” and allows felony penalties for cruelty that results in the death of an animal.
 - a) The majority of the Commission voted to **monitor HB 1723**
 - i) Yay - 0
 - ii) No - 0
 - iii) Monitor - 16
 - iv) Abstain - 1
 - b) The public hearing for this bill was held on 1/16 with House Environment & Agriculture. Testimony included questions on unintended consequences of reducing the burden of proof. The committee sent a letter to the AG’s office for a review and is waiting on a response.
- iii) **HB 1385:** Creates a committee to study animal welfare
 - a) The majority of the Commission voted to **oppose HB 1385.**
 - i) Yay - 0
 - ii) No - 15
 - iii) Monitor - 1
 - iv) Abstain - 1
 - b) The public hearing for this bill will be on February 13th at 10am with House Environment & Agriculture. The Commission discussed the duplication of effort with the Commission’s work and this proposed study committee.
- 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 seized property (the animals) to cover the costs of animal cruelty and allows law enforcement to seize an animal if they personally witness animal cruelty.
 - a) The majority of the Commission voted to **support HB 1238.**
 - i) Yay - 11
 - ii) No - 0
 - iii) Monitor - 5
 - iv) Abstain - 1
 - b) The public hearing on this bill was held on 1/23 with House Environment & Agriculture. Testimony included discussions on cost of animal care, whether the code this bill addresses is outdated and needs to be studied further, repealed or updated.
- v) **HB 1412:** This bill would add native wildlife to the animal cruelty code.
 - a) The majority of the Commission voted to **support HB 1412.**
 - i) Yay - 10
 - ii) No - 1
 - iii) Monitor - 5
 - iv) Abstain - 1
 - b) The public hearing on this bill was held on 1/16 with House Fish & Game & Marine Resources. This bill has been heard before and the Department of Fish & Game has offered an amendment which would move the criminal penalties for native wildlife only to Fish & Game code ensuring

Conservation Officers are the ones to enforce it. The amendment includes the exemptions for all lawful hunting and trapping practices.

6) **Legislative Protocols**

- a) The Commission discussed protocols for submitting testimony on legislation. It was agreed that only the Chairperson should testify on behalf of the Commission. When other stakeholders testify they can state they serve on the Commission but must be clear they are not speaking for the Commission.
- b) The Commission welcomes written comments on any of the selected bills from stakeholder groups to include in the minutes and/or Governor's Legislative Report.
- c) The Legislative Committee will draft its first report for the Governor for review at the February meeting. Comments on legislation, not to exceed one paragraph per bill, must be submitted to George Cook and Lindsay Hamrick by February 9th for inclusion in the report.

7) **Discussion and Vote on HB 569-FN: Relative to Animal Cruelty**

- a) Patricia Morris stated that a review of case law has mollified her original concerns regarding the constitutionality of the law. The U.S. Constitution under Amendment 4 speaks to the treatment of animals as evidence as different from other property in a cruelty case and holds a unique legal status. Further, what happens in a civil case does not impede on the criminal investigation as the civil hearing requires the owner to pay for the costs to care for the animals, which they would have spent while the animals were under their care, and is not a penalty for misconduct.
- b) Lindsay Hamrick reviewed the objectives of the bill and provided the attachment to Commission members. The objectives include 1) expand the definition of a commercial dog breeder as someone who owns five or more breeding female dogs who are bred for the purpose of selling their offspring, 2) cost of animal care law creating a civil hearing for a Judge to determine a reasonable amount for a defendant to pay toward the care of the animals while the case is pending, 3) clarify that felony penalties will apply for purposeful cruelty that results in the death or serious bodily injury of an animal, 4) require mandatory inspections of all pet vendors (animal shelters, rescues, brokers, commercial kennels and pet stores) every other year by the Department of Agriculture and, 5) reinsert language back into RSA 437 that was inadvertently removed during the state budget process. The bill includes a \$200,000 appropriation to the Department of Agriculture to hire two inspectors and includes a fiscal note from the Department of Agriculture of \$452,621 in 2019.
- c) The majority of the Commission voted to **support SB 569-FN**
 - i) Yay - 11
 - ii) No - 0
 - iii) Monitor - 5
 - iv) Abstain - 1

8) **Cruelty tracking**

- a) UNH law is providing an intern to help with tracking of cases. The subcommittee will provide a draft report at the February meeting of 2016 and 2017 stats from law enforcement, NHFHO investigative staff and court data (charges and convictions).
- b) Court data submitted last month does not include juvenile cases. RSA 435 (the equine care laws) brought up an additional two cases. The UNH student will be looking at motor vehicle charges related to animal cruelty.
- c) The report will be the best scope of the issue but is not a perfect process and the holes in the data will help guide the Commission to track it in the future.

9) **Funding & Education**

- a) Cooperative Extension is currently updating their animal care brochures which will complement the updates to the Commission's brochures.
- b) The NH Federation of Humane Organizations has agreed to organize and manage an animal cruelty decal fund including protocols for review and disbursement, financial tracking, etc., however, they will need a bill to be amended this session in order to do so. Chairman O'Connor gave a few example bills where the cruelty decal could be attached.

- c) Patricia Morris spoke to the importance of the Commission's reports in having tangible goals and ideas beyond reporting statistics.

10) **New Business**

- a) The 2012 Manual on Investigations and Prosecutions is used widely in the NH court system. Dr. Jeri Zezula updates it as new laws are passed, however, the legislative and education subcommittees should convene after each legislative session to ensure updates are made and notice is given to the Attorney General's office.

11) **2018 Meeting Dates**

- a) Monday, February 19th, 2018, 1-3:30pm
- b) Monday, March 19th, 2018, 1-3:30pm
- c) Monday, April 23rd, 2018, 1-3:30pm
- d) Monday, May 21st, 2018, 1-3:30pm

12) **Call to the Public**

- a) No comments

Steve Sprowl moved to adjourn the regular meeting at 2:31pm. Dr. Jeri seconded. All voted in favor.

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

13) **Animal Cruelty Cases & Conviction Tracking**

- a) Subcommittee: **Jennifer Eber, Heather Faria**, Steve Sprowl, Sheila Johannsen, Chief Dean Rondeau, Wendy Munroe, Brian Valerino
- b) The committee reviewed the status of the three main data sources, and determined the primary source will be the data submitted annually from municipal, state and federal agencies to the AG's office. A letter will be drafted requesting this data from the AG from the Commission Chair to the Governor's office. Much discussion took place about how law enforcement records their activity regarding animals, and how best to frame the request to the AG. Heather Faria will continue to work with NHFHO agencies to track additional activity that does not include police involvement and would not be included in AG data. Jennifer Eber will need get an update to the court data for the end of 2017. The committee remains hopeful that a report summarizing activity for 2016 and 2017 could be completed by summer. The committee also discussed the reality that there would be missing pieces, and the value this report may have is compelling more complete reporting across the state.

14) **Legislative Subcommittee**

- a) Subcommittee: **George Cook, Lindsay Hamrick**, Senator Birdsell, Representative O'Connor, Dr. Crawford, Dr. Barlow, Tom DeRosa
- b) The subcommittee did not meet as topics were covered in the general meeting.

15) **Training & Funding**

- a) Subcommittee: **Jeri Zezula**, Cynthia Collins, Dot Perkins, Tom Seymour, Kristi Atherton, Marga Coulp, Gary Lambert
- b) Dot Perkins spoke about new information sheets of extension website that can be used as resources for proper animal care. She also said her department can do hands-on workshops for ACO's and police on livestock handling and care.
- c) The committee assessed the progress of our brochure edits.
- d) The committee discussed meeting with New Hampshire Fed on decal fundraising project to see how the funds will be handled.
- e) The committee continued to brainstorm on possible funding sources.

Respectfully submitted by: Lindsay Hamrick, Secretary