

The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes
May 21, 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 206 of the Legislative Office Building by Chairperson Patricia Morris.

2) **Members Present:**

- a) Patricia Morris, Chairperson & Equine Association
- b) Lindsay Hamrick, National Humane Organization & Secretary
- c) Tom DeRosa, Dr. Jeri Zezula, Tom Seymour, Cynthia Collins, Marga Coulp - General Public
- d) Kristi Atherton, NH Farm Bureau
- e) Chairman John O'Connor, House Representative
- f) Senator Regina Birdsell, Senate Representative
- g) Sheila Johannesen, Animal Control Officers Association of New Hampshire
- h) Steve Sprowl, Humane Cruelty Investigator
- i) Heather Faria, NH Federation of Humane Organizations
- j) Wendy Munroe, NH Veterinary Technician Association
- k) Gary Lambert, NH Sportsmen
- l) Dr. Stephen Crawford, Department of Agriculture

Public Present: Dick Bouley & Tyler Clark, NHVMA, Simon Thomson (Sheehan Phinney), Lillian Katz

Members Absent: George Cook, Dog Owners of the Granite State; Sheriff Brad Valerino, Sheriff's Association; Jennifer Eber, General Public; Dr. Jane Barlow Roy, NHVMA; Dot Perkins, UNH Cooperative Extension; Chief Dean Rondeau, NH Association of Chiefs of Police

3) **Secretary's Report:** Lindsay presented the minutes from the April meeting. Tom Seymour motioned to approve the minutes. Representative O'Connor seconded. All members voted in favor.

4) **Current Cruelty Cases & News**

- a) The defendant in the Wolfeboro Great Dane cruelty case was partially sentenced on May 11th. The Court ran out of time and the remaining sentencing will be done on June 14th. At the May hearing, the Judge banned the defendant from owning more than one spayed or neutered animal for five years and sentenced her to 30-90 days in jail with additional suspended sentences based on good behavior. In June, if the State and Defense cannot reach an agreement on the placement of the dogs, the Court indicated it will forfeit the dogs to the State. The Court will also determine final restitution amounts for HSUS and the town of Wolfeboro.
- b) The next hearing will be June 23rd in the Bristol and Alexandria German Shepherd cruelty case. Restitution won't be ordered until after the trial. The animals remain under the care of the NHSPCA.
- c) A Manchester jury convicted a defendant of a Class B felony for intentionally slitting the throat of his cat as an offering to God. The defendant had been on parole for a 1983 murder. Lindsay pointed out that according to media reports, much of the legal debate was on whether or not the narrowly written felony law could be used in this case as it limits felony crimes to purposeful torture, mutilation, whipping and beating. Patricia will access the court documents so they can help guide the Commission in future discussions on the cruelty law.

- d) Sen. Birdsell asked if other states have laws with a minimum sentencing requirement and whether there would be support for this in NH. Commission members agreed this would be worthwhile to research.

5) Legislative Updates (see also legislative report draft)

- a) **HB 1385:** Relative to a Committee to Study Animal Welfare
 - i) House Environment & Agriculture has this bill in interim study and the committee will meet to discuss it after August 21st. Chairman O'Connor stated that the intention of the committee is to take HB 1385 and input the House version of SB 569 for the 2019 legislative session. The Department of Agriculture will submit their next budget proposal by October and the committee may also study the budget. Lindsay suggested that members of the HB 1385 study meet with the Governor's Commission in the fall to communicate 2019 initiatives so that the two groups are not working independently or in opposition to each other.
- b) **HB 1238:** Relative to Animal Cruelty & Costs of Care for such Animals
 - i) The amended bill passed the Senate and will be signed by the Governor soon.
- c) **SB 569-FN:** Relative to Animal Cruelty.
 - i) The House and Senate members of the Committee of Conference could not reach an agreement and the bill died. The House had moved the hoarding provision into the study commission along with inspections, funding for the Department, cost of animal care issues and pet vendor definitions. The Senate had removed cost of care and offered additional changes to the definition of a breeding female dog and exemptions.
 - ii) The Commission discussed the provision to criminalize hoarding and while there was some disagreement among commission members, the discussion ultimately led to a decision that the commission did not support including animal hoarding within a modified animal cruelty statute due to concerns with criminalizing a mental health disorder.

The legislative subcommittee proposed that in 2019, the Commission will provide the Governor with the monthly report during the legislative session. Dr. Crawford motioned to accept the template. Senator Birdsell seconded. All voted in favor.

6) Cruelty tracking

- a) Trish is working with county attorneys to encourage reporting up to the AG's office with a goal to report cruelty in 2019.
- b) Through this process, the subcommittee has discovered the holes in reporting and have ideas on how to create a better system in the future.

7) Funding & Education

- a) Dr. Jeri will distribute the updated animal care brochures for review.
- b) There is interest from Commission members in researching a proposal for a voluntary certification for Animal Control Officers. Dr. Zezula had approached the NH Animal Control Association about possibly creating a voluntary certification program for ACOs. The ACO Association is part of the Municipal Association and could hold classes and exams there without a fee. Trish and Sheila will discuss with the ACO Association.

8) New Business

- a) Everyone has been assigned a protocol manual assignment to review over the summer.
- b) The Department of Agriculture has ~six rules that are expiring and up for review including livestock dealer licensing. Dr. Crawford will get that list to the Commission.

- c) Trish and Dr. Jeri would like Commission members to review the NH cruelty laws over the summer and propose recommended changes. Rather than try to fix the existing law, this will be a bigger picture conversation about the direction and priorities for the Commission.
 - i) Examples may include the definition of animal, special categories of animals (ex. service animals), probable cause and authority to seize animals, criminal vs. civil laws, felony vs. misdemeanor language, disposition of the animals, costs of animal care, bail terms, minimum sentencing requirements, appeal processes. Trish will send the ALDF's review of state cruelty laws as a resource.
 - ii) Dr. Jeri presented information from a recent International Veterinary Forensics Association meeting in which the keynote speaker was the Chief Justice of the Oregon Supreme Court. He stated that the legal status of animals has changed over time from cruelty laws that simply punished someone for "destroying property" to public nuisance laws because harming an animal was a nuisance to understanding animals can experience pain and suffering. Dr. Jeri suggested the Commission create Legislative Findings to help courts understand the underlying reasons and purpose for changes to the cruelty law. This is the language from Oregon:

167.305 Legislative Findings and Declarations (Legislative Policy Statement):
Offenses Against Animals

The Legislative Assembly finds and declares that:

- (1) Animals are sentient beings capable of experiencing pain, stress and fear;
- (2) Animals should be cared for in ways that minimize pain, stress, fear and suffering;
- (3) The suffering of animals can be mitigated by expediting the disposition of abused animals that would otherwise languish in cages while their defendant owners await trial;
- (4) The suffering of animals at the hands of unlicensed animal rescue organizations that are unable to provide sufficient food and care for the animals can be reduced by requiring such organizations to comply with regulations;
- (5) The State of Oregon has an interest in facilitating the mitigation of costs of care incurred by persons and government agencies that provide treatment for impounded animals;
- (6) Use of preconviction civil remedies is not an affront to the presumption of innocence; and
- (7) Amendments to current law are needed to ensure that interested parties are afforded adequate notice and an opportunity to be heard and thus cannot unduly delay or impede animal lien foreclosure and preconviction forfeiture processes through unfounded due process claims.

And an example from the Oregon Veterinary Practices Act:

686.442 Legislative Findings. Veterinary Practice Act

The Legislative Assembly finds that there is a direct link between the problems of animal abuse and human abuse and further finds that for the purposes of identifying and prosecuting individuals who have committed crimes against animals, preventing further abuse of animals and preventing animal abuse from escalating to abuse against humans, it is necessary and in the public interest to require mandatory reporting of aggravated animal abuse by veterinarians.

9) **2018 Meeting Dates**

- a) September 17, October 15, November 19, December 17

10) **Call to the Public**

- a) No comments

Senator Birdsell moved to adjourn the regular meeting at 2:01pm. Tom Seymour seconded. All voted in favor.

Respectfully submitted by: Lindsay Hamrick, Secretary