

The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes
November 19, 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 Chair, Patricia Morris
- 2) **Members Present:**
 - a) Patricia Morris, Chairperson & Equine Association
 - b) Lindsay Hamrick, National Humane Organization & Secretary
 - c) Tom DeRosa, Dr. Jeri Zezula, Jennifer Eber, Tom Seymour, Cynthia Collins, Marga Coulp - General Public
 - d) Kristi Atherton, NH Farm Bureau
 - e) Heather Faria, NH Federation of Humane Organizations
 - f) Wendy Munroe, NH Veterinary Technician Association
 - g) George Cook, Dog Owners of the Granite State
 - h) Dr. Jane Barlow Roy, NH Veterinary Medical Association
 - i) Chief Dean Rondeau, NH Association of Chiefs of Police
 - j) Chairman John O'Connor, House Representative

Public Present: Angela Ferrari, Dog Owners of the Granite State; Richard Parsons, Rath, Young & Pignatelli; Tyler Clark, NHVMA

 - k) **Members Absent:** Sheriff Brad Valerino, Sheriff's Association; Senator Regina Birdsell, Senate Representative; Dot Perkins, UNH Cooperative Extension; Dr. Stephen Crawford, Department of Agriculture; Sheila Johannesen, Animal Control Officers Association of New Hampshire; Steve Sprowl, Humane Cruelty Investigator; Gary Lambert, NH Sportsmen
- 3) **Secretary's Report:** Lindsay presented the minutes from the October meeting. George Cook motioned to approve the minutes as written. Tom Seymour seconded. Chairman O'Connor abstained as he was not in attendance last meeting. All other members voted in favor.
- 4) **Current Cruelty Cases & News**
 - a) Lindsay Hamrick updated the Commission on the ongoing case involving 52 Labrador Retrievers from Marlborough. The trial has been continued again and is scheduled for the end of December. The majority of the dogs are now in foster homes through the Monadnock Humane Society and the case has cost the shelter over \$50,000.
 - b) There are no new updates on the Great Dane cruelty case as the NH Supreme Court hasn't yet scheduled the schedule for motions.
 - c) Patricia updated the Commission on the cruelty case in New Hampton involving 44 animals, including deceased animals, at a so-called sanctuary this past summer. Two defendants has been charged with 44 Class B misdemeanor counts of cruelty and the trial is currently scheduled for 12/10/18. Trish circulated the affidavit that was used in that case and encourage commission members to review it as an example and for possible discussion in future law enforcement education efforts.
 - d) Trish highlighted "Libre's Law" which was a comprehensive anti-cruelty bill in PA that became law. Among other things, it restricts tethering to nine hours within a 24 hour period and restricts

tethering to only 30 minutes if the temperature is above 90 degrees or below 32 degrees. For full details, [click here](#).

- e) As a follow-up to the concerns raised by Dr. Kelloway during the October meeting, Trish updated the Commission that there is a pending lawsuit in Merrimack County Superior Court for a declaratory order against corporations overseeing veterinary care. The suit will clarify the Veterinary Practices Act and the Commission will review that decision.

5) **2019 Legislative Initiatives**

- a) The bill filing period for the House of Representatives runs through December 3rd and the legislative committee will circulate animal-related legislation to the Commission after that time. These are the bills we are aware of at this time:
 - i) House Agriculture has submitted two bills. One would create a small animal division within the Dept. of Agriculture and upgrade technology to allow for better tracking of animal transfers. The second would create a state “Cost of Animal Care” fund to help offset costs to care for animals seized in cruelty cases.
 - ii) Senator Bradley will be holding a stakeholder meeting on December 6th with many of the members of the Commission to discuss further ideas to address the regulation of pet vendors and costs of animal care.
 - iii) A bill to add cats to the definition of commercial breeder
 - iv) A bill to increase the age in which pet rabbits can be transferred from four weeks to eight weeks to match the age of transfer for dogs, cats and ferrets
 - v) A bill to create a study commission to review the regulation of groomers
 - vi) Allowing the use of therapy animals in judicial proceedings involving children
 - vii) Permitting restaurant users to allow dogs in restaurants
 - viii) Requiring the department of business and economic affairs to prepare materials for businesses relative to service dogs

6) **Cruelty Tracking Subcommittee**

- a) The cruelty subcommittee presented a draft of the animal cruelty related criminal activity in New Hampshire from 2016 and 2017. (see attached) The main takeaway is the need for a better system to collect data. The weakness in the report was observed more in the investigation/law enforcement phase of animal cruelty cases rather than the Court system. While local law enforcement agencies may use different database models, the FBI requirement to track animal cruelty will help with future consistency. Future data will likely show an increase in animal cruelty cases due to better reporting but this is unlikely to represent an actual increase in cruelty itself. Chief Rondeau commented that standardized reporting for law enforcement is crucial in many areas of criminal justice and he recommends an EO from the Governor or the AG’s office requiring reporting in a consistent manner. The Superior Court is now requiring everything to be filed online which will make tracking easier but they usually hear felony level cases, not the majority of animal cruelty cases.
- b) Dr. Jeri commented that the draft report shows 78 cases required under the new FBI NIBRS reporting of cruelty.
- c) Lindsay commented about the difference between felony charges and felony convictions and that this is an area the Commission should monitor to determine how often acts of purposeful torture are being pled down to a misdemeanor crime.
- d) The draft doesn’t take into consideration the vast number of cases that resolve with resources provided by the animal shelters or animal control officers.

7) **Legislative Subcommittee**

- a) The subcommittee did not meet but will begin meeting regularly in December. The subcommittee will review all 2019 bills deemed priority by the Commission and offer a review for the full Commission.

8) **Funding & Education Subcommittee**

- a) The funding subcommittee would like information on House Agriculture Committee's proposal for funding. The funding subcommittee will join legislative subcommittee for discussions about funding bills.

9) **Legal Database/Repository**

- a) Trish is continuing to work on a future repository for court motions and responses such as motions to suppress evidence, summary judgment, case dismissals, etc. There is a lot of interest from prosecutors to have a repository of motions and responses as well as case law.

10) **State v. Fay Amicus Brief Discussion**

- a) Jennifer Eber reviewed Executive Order for Commission and whether an amicus brief falls under those directives. Trish does not feel it falls under the Executive Order. The Commission will discuss the areas of the appeal that are most pertinent to the Commission's work to prepare to address the law depending on the outcome of the decision. Jennifer motioned that the Commission monitor the Supreme Court appeal as it pertains to the cruelty statute. The motion was seconded by George. Lindsay Hamrick, Chief Rondeau and Dr. Jeri Zezula abstained. All others voted in favor.

11) **Protocol Manual Updates**

- a) Lindsay has received protocol manual updates from all groups except the working group for the law enforcement section. She will bring a summary of changes and ideas to the December meeting, working on 1) Prevention, 2) Section 4, 3) Pages 38-41 and 4) Specific Investigations Concerns. The

12) **Discussion on Reorganization of Criminal Statutes**

- a) Dr. Jeri's presented on a proposal to create a separate chapter for animal cruelty and reorganize the existing law into an easier to read version. The new law would include a declaration of purpose and legislative intent for the cruelty law. Specific reorganization could include moving the motor vehicle law into the temporary protective custody portion to ensure that ACOs without police powers can remove an animal if he/she is in imminent danger in a hot or cold car. The new law could remove the references to the peri-mutual commission which is no longer in existence. Currently, veterinarians are only technically protected from assisting with animal cruelty cases, not animal fighting cases, animals in motor vehicles or bestiality cases. The new livestock definition includes rabbits but this isn't clarified in RSA 644:8 so it's unclear if a veterinarian must be present for the seizure of a rabbit. Lindsay commented that there is a need to clarify the ban on ownership language which will be included in a 2019 bill.
- b) George stated that the Commission's review of other state laws may help guide the Commission on how best to clarify the existing law.

13) **Old Business**

- a) Each member reported on the animal issues for which their organizations and constituents are most concerned:
 - i) NH Federation of Humane Organizations
 - a) The number of days that animals seized for cruelty cases need to be held in temporary protective custody and the effects of long-term holding on animal welfare, staff safety and costs

- b) The regulation of pet vendors
- ii) NH Veterinary Technicians are still waiting on feedback and will report out in December
- iii) Tom Seymour (public member and board member of the Franklin Animal Shelter)
 - a) Costs to care for animals seized in animal cruelty cases
 - b) Training for Animal Control Officers
- iv) Jennifer Eber (public member)
 - a) Vagueness in the cruelty statute and defining certain terms
- v) Dr. Jeri
 - a) Clarification of the law as it pertains to prosecution
- vi) Police Chiefs Association
 - a) Strengthening the laws and penalties
 - b) Education and closing loopholes that result in a disparity in cases and investigations
- vii) Farm Bureau
 - a) Supports RSA 644:8 as a whole but is concerned with reasonable costs of care for animals seized in cruelty cases
- viii) NHVMA
 - a) Health certificate tracking
 - b) Public education regarding the requirement for health certificates
 - c) Concerned with mandatory reporting for animal cruelty being housed in the cruelty law but have discussed placing this language in the Board of Veterinary Medicine rulemaking
 - d) The transfer of large numbers of animals and pop-up rescue organizations and the prevalence of disease transmission.
- ix) Dog Owners of the Granite State
 - a) Dog license fee structure
 - b) Accountability for how the funds are being spent and possibly changing the allocation formula so that more funds are used for cost of care
- x) The Humane Society of the United States
 - a) Costs to care for animal seized in cruelty cases and length of stay for animals awaiting trial outcomes
 - b) Regulation of pet vendors
 - c) Clarification of the ban on animal ownership options for Courts to determine after a defendant has been convicted
 - d) Banning animal fighting paraphernalia to ensure law enforcement can act when the totality of a scene shows intent to animal fight even when the animals are not there (deceased or moved to another location)
- xi) Other public members abstained

14) 2018 Meeting Dates

- a) The final meeting for 2018 will be on December 17th at 1pm. Location in the Legislative Office Building in Concord TBD.

15) New Business

- a) The American Kennel Club has requested the Dog Owners of the Granite State to weigh in on groomer licensing. Lindsay discussed the bill to create a study commission to review groomer licensing and the Dog Owners would have a seat on that study commission. Texas and Colorado have licensing requirements and Connecticut did a study and created a licensing board under consumer protection.

16) Call to the Public

- a) No comments

George Cook moved to adjourn the regular meeting at 2:58pm. Dr. Zezula seconded. All voted in favor.

Respectfully submitted by: Lindsay Hamrick, Secretary