



**Governor's Commission
on the
Humane Treatment of Animals**

**Report to the Governor:
Animal Cruelty Related
Activity in NH**

2020 & 2021

I. Introduction

On August 17, 2017, Governor Sununu issued Executive Order 2017-05 that re-established the Governor's Commission on the Humane Treatment of Animals ("Commission"). Pursuant to paragraph 1(a) of the Executive Order, the Commission was charged with preparing a biennial report for the Governor that documents:

- 1) the number of animal-cruelty related convictions in that time period;
- 2) the number of animal-cruelty related cases in that time period; and
- 3) relevant proposed legislation and changes in statute and administrative rules.

The Commission understands that such reference to "cases" is to include not only court cases regarding animal-cruelty, but also complaints/reports to law enforcement as well as investigations of incidents of animal cruelty that may not result in criminal charges.

The Commission hereby issues the following report for 2020 and 2021 to the Governor pursuant to the Executive Order 2017-05.

II. Data

Table A: Animal-cruelty Related Incidents reported in New Hampshire reported into NIBRS¹:

	2016	2017	2018	2019	2020	2021
Animal Cruelty Simple/Gross Neglect	No data	76	124	154	135	143
Animal Cruelty Intentional Abuse & Torture		12	48	51	52	46
Animal Cruelty Organized Abuse		1	3	1	0	1
Animal Sexual Abuse (bestiality)		0	1	1	5	0

Table B: Animal-cruelty Related Cases from Administrative Office of the NH Courts

	2016	2017	2018	2019	2020	2021
Total	62	57	99	91	71	53

Table C: Animal-cruelty Related Charges from Administrative Office of the NH Courts²:

	2016	2017	2018	2019	2020	2021
Violations	5	5	18	9	0	0
Misdemeanor A	53	68	147	95	80	37
Misdemeanor B	27	67	155	51	56	37
Felony B	10	16	6	12	10	17
Total	95	156	326	167	146	91

¹ This data is from law enforcement agencies that are using the National Incident-Based Reporting System (NIBRS), in 2018 it was reported that 188 of 208 (90%) NH agencies submitted data to NIBRS.

² Data represents case count from above. One person may face multiple charges in a single case.

Table D: All Animal-cruelty Related Dispositions from Administrative Office of the NH Courts

2020 Dispositions				
	Conviction	Dismissed	Nolle Prossed	Other
FELB	3	0	2	0
MISDA	19	7	36	34
MISDB	9	6	16	19
VIOL	8	1	6	0
<u>Total</u>	<u>39</u>	<u>14</u>	<u>60</u>	<u>53</u>

2021 Dispositions					
	Conviction	Dismissed	Acquittal	Nolle Prossed	Other
FELB	5	0	0	4	0
MISDA	15	5	3	39	3
MISDB	11	2	2	5	11
VIOL	7	0	0	0	0
<u>Total</u>	<u>38</u>	<u>7</u>	<u>5</u>	<u>48</u>	<u>14</u>

Table E: Data reported by NH Federation of Humane Organizations³ regarding animals seized and surrendered as part of a response to a complaint of alleged animal neglect or abuse.

	2016	2017	2018	2019	2020	2021
seized - dogs	13	115	30	22	23	39
seized - cats	25	1	10	23	2	6
seized - other	4	37	24	46	69	0
surrendered - dogs	103	73	97	195	58	31
surrendered - cats	116	127	201	269	87	227
surrendered - other	121	192	92	72	36	97

³ Eight agencies reported. Seized means animals are taken by authority of law enforcement at the time of intake. Surrender means ownership of the animals is voluntarily given up by the owner.

III. Summary of Findings

In review the data from 2019, 2020, and 2021, it would seem:

- There was an initial drop then leveling of “incidents” in the past 3 years

<u>2019</u>	<u>2020</u>	<u>2021</u>
207	192	190

- There was a steady decline in number of “cases” in the past 3 years

<u>2019</u>	<u>2020</u>	<u>2021</u>
91	71	53

- There was a steady decline in “charges” in the past 3 years

<u>2019</u>	<u>2020</u>	<u>2021</u>
167	146	91

- There was an initial decline then leveling of “convictions” in the past 3 years

<u>2019</u>	<u>2020</u>	<u>2021</u>
54	39	38

- The percentage of convictions rose over the past 3 years

<u>2019</u>	<u>2020</u>	<u>2021</u>
$54/167 = 32.3\%$	$39/71 = 54.9\%$	$38/53 = 71.7\%$

IV. Legislative Activity

Introduction to Legislative Activity

Each year as the legislative calendar begins the call for Legislative Service Requests (LSRs) the members of this subcommittee research the LSR titles to select likely proposed legislation that could represent additions, deletions, or modifications to the statutes that are pertinent to the Commission task of ensuring the safety and welfare of domestic animals and New Hampshire citizens. This initial list is usually quite extensive but as language is published and bill numbers are assigned, revised lists are prepared for Commission discussion and ranking as to whether any proposed bill is worthy of support, opposition, or monitoring. The Commission then monitors the results of public hearings, executive sessions, and floor votes to further document the progress of proposed legislation, with a goal of providing the Governor's office a recommendation relative to the decision to sign off on bills reaching the desk.

Legislative Activity-2020 -2021

2019 Retained Bills

BILL	TITLE	FINAL RESULT
HB371	relative to the definition of pet vendor	ITL
HB376	establishing a committee to study best practices for companion animal groomers	ITL
HB501	Using fees from registration of commercial animal food sellers to fund the cost of care program	Passed as part of HB1245 omnibus and signed by the Governor

2020 Bills

HB1123	relative to reporting a collision between a cat and motor vehicle	ITL
HB1387	prohibiting the declawing of cats	ITL
HB1388	prohibiting the sale of cats and dogs in retail stores	ITL
HB1560	defining "serious harm" to an animal And relative to certain negligent actions	ITL
HB1389	requiring adequate food, water, and shelter for dogs	ITL
HB1630	relative to pet vendors	ITL
HB1602	establishing a registry for persons convicted of animal cruelty	ITL
HB1164	concerning support for cats and dogs that are neglected and treated cruelly	ITL
HB 1683	prohibiting the docking of tails and cropping of dog ears	ITL
HB1449	defining animal hoarding	ITL
HB1542	relative to children, elderly adults, and animals in hot vehicles	ITL

2021 Bills

HB338	relative to penalties for dog theft and Tampering with a dog's radio collar	Signed by Governor 7/28/21
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HB250	relative to pet vendors	Signed by Governor 8/17/21
HB366	defining animal hoarding	Retained in Committee
HB174	relative to reporting a collision between a cat and a motor vehicle	Signed by Governor 7/28/21
HB532	creating an animal records database	Retained in Ways and Means
HB438	relative to the confidentiality of animal records databases	Retained in Committee
HB246	establishing a protective order for vulnerable adults	Indefinitely postpone

Additional Commentary

Significant debate over several sessions has resolved the definition of an “animal vendor” in NH, which replaces the former definition of a “commercial kennel”. In the definitions of RSA 437:1 an animal vendor is an entity which transfers 30 or more dogs, 30 or more cats, 30 or more ferrets, or 50 or more birds. A similar multi-session debate resulted in the requirement to report a collision between a cat and a motor vehicle.

The cost of care legislation previously passed in 2018 was funded in this report cycle which allows municipalities to apply to the Department of Agriculture, Markets, and Food (NHDAMF) for the recovery of expenses related to seizures of animals. The Commission continues to investigate the use of this new program by eligible applicants.

Ongoing debate will continue in upcoming legislative sessions relative to the creation, funding, security, and oversight of a statewide animal records database to be administered by NHDAMF.

V. Legislative Recommendations

The Commission would like to recommend that it continue its work to clarify and unify the poisoning of animals statutes and begin a legislative initiative, including but not limited to at least one of the following three initiatives that the Governor, after reviewing our last report, indicated that he would support:

- Including veterinary immunity for NH RSA 644:8-a (Animal Fighting) and NH RSA 644:8-g (Bestiality). The Commission feels this is best left to the NHVMA.
- Clarification and / or merging NH RSA 644:8 and NH RSA 435 as they pertain to horses (Same penalties for cruelty offenses).
- Adding starvation to the list of felony offenses in NH RSA 644:8, III-a.