



**BIENNIAL REPORT
OF
ANIMAL CRUELTY RELATED CRIMINAL ACTIVITY 2018-2019
AND
ANNUAL REPORT OF COMMISSION ACTIVITY 2021**

SUBMITTED TO

GOVERNOR CHRISTOPHER T. SUNUNU

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Governor's Commission on the Humane Treatment of Animals

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SUMMARY OF COMMISSION BUSINESS 2020-2021

In the fall of 2020, Chair Patricia Morris stepped down and recommended Jennifer Eber and Jerilee (Jeri) Zezula to serve as acting co-chairs. Zoom meetings began in October 2020 and have been held monthly with two meetings held in January 2021 to review up-coming legislation. Legislation from spring 2020 was tabled with a suspension of all rules and deadlines moved.

Jonathan Melanson, from Governor Sununu's office, has served as Commission liaison and the Executive Order 2021-07 establishing the Commission was released to reflect changes and clarify the charges of the order. Eber and Zezula were confirmed as co-chairs.

The Commission completed the writing of ***Animal Cruelty Investigation and Prosecution: A User Manual for New Hampshire Law Enforcement 2020 (Manual)***. It was edited by the NH Department of Justice (DOJ) and it is now available on that website as well as the Commission website.

Zezula has established a line of communication with the Director of the NH Police Standards and Training Council (NHPTC) and will be writing occasional announcements for the newsletter they send out to NH Law Enforcement. In addition, plans are in the works to transition the ***Resources*** website to the NHPTC server in the near future. (It is now on a private server) Jeri continues to manage the state website (humane.nh.gov)

The Commission has been assigned a liaison with the DOJ - Geoffrey Ward, Esq. – and he has been assisting to establish communications with county and police prosecutors.

The Governor's office has filled all vacancies and retirements with six new members since October.

Early on, the Commission established five sub-committees to address the charges in Executive Order 2021-07. The subcommittees worked independently of the Commission meetings. The remainder of this report covers the work of those sub-committees. Based on this work and discussion by the full Commission, the Commission proposes further work and seeks input from the Governor regarding legislative initiatives and future possible changes/additions to the current cruelty laws.

OVERVIEW OF SUBCOMMITTEES

Subcommittee 1 (Data/Laws):

Subcommittee 1 gathered data from 2018-19 from several different sources, including incidents from the National Incident-Based Reporting System (NIBRS), cases and charges from Administrative Office of NH Courts, convictions from Administrative Office of NH Courts. In addition, data was compiled from the NH Federation of Humane Organizations. This work was an update to the Report on Animal Cruelty Related Criminal Activity in NH 2016-2017 as required in the current Executive Order.

Subcommittee 1 also compiled the legislative activity tracked by the Commission from 2018-19. Many of the bills were filed in response to events involving animals that had occurred in the previous year. The Cost of Care bill in 2018 and the Pet Vendors bill in 2019 were both closely followed and discussed by the Commission.

Subcommittee 2 (Propose Legislation):

Subcommittee 2 was tasked with identifying new legislation or revisions to present laws to address animal cruelty in New Hampshire. The Subcommittee, with input from the full Commission, identified 9 recommendations of which the full Commission discussed.

Subcommittee 3 (Reporting):

Subcommittee 3 focused on the finding the current mechanisms through which animal cruelty is reported, both by the public and by governmental agencies. In examining the data that Subcommittee 1 gathered, questions were raised as to if all incidents were reported to law enforcement for inclusion in NIBRS reporting and by what means. In addition, the subcommittee explored the role of animal control officers in both receiving and reporting cruelty calls. A survey was sent to animal control officers. In NH, law enforcement departments are required to report intake incidences of animal cruelty to NIBRS.

Subcommittee 4 (Training):

Subcommittee 4 focused on the education and training of law enforcement concerning crimes involving animals. It also evaluated what is available for training in NH and reviewed the *Resources* website. In addition, it identified and updated a listing of resources for forensics, expert witnesses, laboratory exams and other useful aids to animal cruelty investigations and prosecution.

Subcommittee 5 (Legislation Tracking):

Subcommittee 5 monitored the bills the Commission chose to follow and kept the Commission up-to-date. This year the Commission tracked 7 pieces of legislation that had a direct or indirect relationship to animal cruelty. The list of bills tracked was sent to the Governor's Office with the majority opinion of the Commission on whether to support or oppose with brief statements. The Commission was then advised by the Governor's Office on which it could speak to in respective legislative committees.

COMMISSION'S FURTHER WORK

The Commission plans to undertake the following actions in the 2021-2022 period:

1. As noted in the Biennial Report by the Commission for the period of 2016 and 2017, the Commission will work with the NH Department of Justice to develop a centralized system of following animal cruelty cases in that department. (See Subcommittees 1 and 3 Reports)
2. The Commission will research, evaluate, determine and recommend resources for professional training for law enforcement and the judiciary.
3. The Commission will continue to discuss the nine legislative initiatives identified by Subcommittee 3 and will bring any further legislative recommendations to the Governor's attention for approval if and when each has been fully vetted. Of the nine legislative initiatives identified in this report, the Commission seeks any input from the Governor regarding his legislative preferences.
4. The Commission will continue to monitor and discuss, and with the Governor's assent, take a public position on any and all legislation that is proposed in the 2021-2022 sessions that impacts humane treatment of animals.

SUBCOMMITTEE REPORTS

Subcommittee 1: Animal Cruelty Related Activity and Review of Legislative Activity in NH 2018-2019

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 stature 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 2018 and 2019 to the Governor pursuant to the Executive Order 2017-05.

II. Data

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

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

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

	2016	2017	2018	2019
Total	62	57	99	91

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

	2016	2017	2018	2019
Violations	5	5	18	9
Misdemeanor A	53	68	147	95
Misdemeanor B	27	67	155	51
Felony B	10	16	6	12

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.

	2016	2017	2018	2019
Total	95	156	326	167

Animal-cruelty Related Convictions from Administrative Office of the NH Courts³:

	2016	2017	2018	2019
Violations	5	5	13	7
Misdemeanor A	15	59	50	22
Misdemeanor B	9	18	54	21
Felony B	1	3	2	4
Total	30	85	119	54

Data reported by NH Federation of Humane Organizations⁴ regarding animals seized and surrendered as part of a response to a complaint of alleged animal neglect or abuse.

	2016	2017	2018	2019
seized - dogs	13	115	30	22
seized - cats	25	1	10	23
seized - other	4	37	24	46
surrendered - dogs	103	73	97	195
surrendered - cats	116	127	201	269
surrendered - other	121	192	92	72

III. Summary of Findings

- The increase in incidents in 2018 and 2019 versus 2016 and 2017 maybe be a reflection of an improvement in reporting, and not necessarily an increase in activity within the state. This is notable because in the 2016/2017 report the Commission recommended that an effort be made to improve reporting of activity from law enforcement agencies. Since the data collection is still relatively new, it is difficult to draw conclusions.
- Since court cases take time there may be a lag in accounting for “convictions”, so the “convictions” for a specific year may represent “charges” from multiple years, prior or current. The Commission was not able to tease out that level of detail, so the reader should keep this in mind as they attempt to draw conclusions from the data.
- It is notable that cats appear to be different than dogs and ‘other’ animals in terms of how owners appear to handle/value them. This is not a new phenomenon, and has been documented elsewhere in different contexts. The NH Federation information appears to show that animal owners appear much more willing to surrender cats (solely based on raw numbers) during an investigation while law enforcement authority is exercised more frequently to remove dogs and ‘other’ animals. It would be

³ Data represents case count from above. One person may be convicted of multiple charges in a single case.

⁴ Surrender means ownership of the animals is voluntarily given up by the owner. Seized means animals are taken by authority of law enforcement, owner does not volunteer to give them up.

pure speculation to propose a reason in the report, but it may be a useful observation for law enforcement officers as they navigate case resolution.

IV. Legislative Activity

2018 Proposed

HB 1385	Relative to a Committee to Study Animal Welfare	Interim study
HB 1394	Relative to animals in motor vehicles	ITL
HB 1412	Relative to cruelty to non-captive wildlife	Tabled
HB 1723	Relative to the reckless beating of animals	ITL
SB 569	Relative to Animal Cruelty	Conference committee report never filed

2018 Passed

HB 1238	Relative to Animal Cruelty & Costs of Care for such Animals	Passed w amendment, signed by Governor 6/8/18
Amended Analysis: This bill includes possession or sale of equine colts under 90 days old as acts of animal cruelty. This bill also repeals several provisions relative to animal cruelty.		

2019 Proposed

HB 331	Relative to the Duties of a Veterinarian	ITL
HB 371	Adding Cats to the Definition of Commercial Breeder	Retained in 2019, amended in 2020, laid on the table
HB 376	Establishing a Commission to Study Best Practices for Companion Animal Groomers	Retained in 2019, amended in 2020, laid on the table
HB 426	Establishing a committee to study allowing town clerks to accept proof of certain exemptions from the rabies vaccine for the purpose of registering dogs	ITL
HB 484	Relative to Group Dog Licenses	Retained in 2019, ITL in 2020
HB 688	Relative to Transfer & Inspection of Animals	Died on the table

2019 Passed

HB 283	Relative to Age Rabbits can be Transferred	Passed, signed by Governor Sununu 06/18/2019
	Analysis: This bill prohibits the transfer of rabbits younger than 8 weeks of age.	
HB 605	Relative to Criminal Penalties for the possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to fighting	Passed, signed by Governor Sununu 06/18/2019
	Analysis: This bill creates criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aid in, or contribute to such fighting.	
SB 77	Relative to Costs to Care for Animals Seized in Cruelty Cases & Prohibiting the Future Ownership of Animals in Certain Cases	Died on the table, provisions from this bill passed as part of HB 459
	I. Further defines the meaning of priority on the court calendar for cases in which animals must be held for the duration of a criminal prosecution. II. Clarifies the process for a defendant to post a bond after conviction in order to retain a legal interest in the animals through an appeal process. III. Further defines the courts ability to ban a person convicted of animal cruelty from owning animals.	

SB 161	Relative to Pet Vendors	Died on the table, however provisions from this bill passed as part of 2019 state budget
	I. Repeals the definition of commercial kennel and revises the definition of pet vendor. II. Authorizes the department of agriculture, markets, and food to make rules relative to the number of amphibians, reptiles, fish, or small mammals a person may sell and qualify as a pet vendor. III. Establishes a position of accounting clerk in the department of agriculture, markets, and food and makes an appropriation therefor. IV. Requires dogs, cats, and ferrets offered for transfer to be accompanied by a health certificate.	
HB 501	Establishing a Cost of Care Fund to Assist Municipalities Caring for Animals During Animal Cruelty Cases	Retained in 2019, amended in 2020, laid on the table, however provisions from this bill passed as part of 2019 state budget
	This bill uses fees from registration of commercial animal food sellers to fund the cost of care program. This bill also establishes the remote sellers of unregistered animal feed products study commission.	

Subcommittee 2: Proposal of New Legislation and Revisions to Existing Laws

I. Introduction

Under Executive Order 2021-07, the Governor's Commission on the Humane Treatment of Animals is to prepare a biennial report for the Governor, which includes the task of proposing and/or suggesting new legislation or revisions to current laws or administrative rules to ensure the safety and welfare of domestic animals and New Hampshire citizens.

At the April meeting of the Commission, Subcommittee 2 solicited suggestions from Commission Members to address this task.

II. Suggested Additions and Changes Submitted

1. Reintroduce a bill that creates a court appointed special advocate (CASA) for animals in cruelty cases. (This was proposed for 2020 as HB 1164 and was voted ITL by the House).
2. Amend RSA 644:8(III) and RSA 644:8 aa to clearly state that the second offense for violation of these statutes is still a Class B felony regardless of whether the first penalty is charged as a misdemeanor or pleaded down.

RSA 644:8 (III) clearly defines sentencing guidelines, "Class B felony for a second or subsequent offense," as does RSA 644:8aa, "Any person in violation of this section shall be guilty of a misdemeanor as set forth in RSA 644:8."

Although New Hampshire's Classification of Crimes statute, codified at RSA 625:9(V), allows the state to charge any offense designated as a violation instead of a misdemeanor, it does not apply to the animal cruelty statute. RSA 625:9(V) states, "this paragraph shall not apply to any offense for which a statute prescribes an enhanced penalty for a subsequent conviction of the same offense." Thus, RSA 625:9(V) arguably does not apply because RSA 644:8 and RSA 644:8aa prescribe an enhanced penalty for subsequent or habitual offenders. It would be helpful, however, to have such language directly in RSA 644:8 and RSA 644:8aa.

3. Provide statutory guidance to address how and when animals can be taken into custody during an animal cruelty investigation. There is presently some inconsistent language used in the cruelty statutes with the words "seize" and "confiscate" when addressing the taking of animals. In RSA 644:8, there is language of "confiscate" and "take;" in RSA 644:8-a, there is language utilizing "seize" with a warrant; and in RSA 435, there is language of "seize." Legislation that addresses when and how an animal can be taken by law enforcement or others and when a warrant is necessary would further the ability of law enforcement to know how they can properly take custody of an animal during an animal cruelty incident.
4. Include veterinary immunity for RSA 644:8 –a Animal Fighting and RSA 644:8-g Bestiality. This immunity currently covers RSA 644:8 and RSA 435 only.
5. Create a new law Chapter in the Criminal Code - **Chapter 644-B Offenses Involving Animals** – and logically renumber all animal related offenses there (including RSA 644:8 – 644:8-g and RSA 644:16).

6. Identify animal laws not in the Criminal Code that have or should have criminal penalties to the current or proposed new chapter (RSA 644-B).
7. Clarify and/or merge RSA 644:8 and RSA 435 as they pertain to horses. (Same penalties for cruelty offenses.)
8. Establish an Animal Crimes task force, that would investigate and prosecute animal crimes in New Hampshire. Such task force would include among others, a detective from each county who is well versed in the nuances of investigating animal cruelty cases. The task force would advise or lead on animal crimes in the state and have knowledge of resources available for such cases. Such task force would provide a more consistent procedure for such cases and hopefully achieve better outcomes.
9. Add starvation to the list of felony offenses in 644:8 III-a.

Follow-up Notes:

After the May meeting, a survey was sent to all members asking for the most important legislative priorities. Commission members reviewed and voted for their top 2 priorities. Further discussion took place/will take place at June and July Commission meetings.

Subcommittee 3: Evaluation of Animal Cruelty Reporting and the Role of Animal Control Officers

I. Introduction

As the Governor's Commission on the Humane Treatment of Animals has been researching the data that is available for finding the number of investigations, charges and convictions related to animal cruelty, it was realized that the first step in this whole process is the accurate reporting of suspicions or concerns about animal cruelty to law enforcement by the public and by various agencies. In NH, these agencies/professionals include law enforcement, animal control officers, NH Department of Agriculture, Markets, and Food (NHDAMF), humane organizations, and veterinarians.⁵

Sub-Committee 3's mission was to study, discuss and advance recommendations for better animal cruelty and National Incident-Based Reporting System (NIBRS) incident reporting to capture both animal calls for service and animal cruelty complaints more fully throughout the state to better understand the complexity and seriousness of these types of cases in the State of New Hampshire.

As the Commission has discussed the issue of reporting of animal cruelty and its integral nature to any investigation, charges and convictions, questions arose as to what was the role of the animal control officer as far as observing, reporting or investigating animal cruelty. Many citizens assume that any animal related complaints should be reported to the town ACO. Many ACO's have their own page on the town websites. ACOs have duties that bring them in contact with animal owners on a regular basis and they often serve to educate as well as regulate pet owners. What kind of records do they keep and who do they report to if they encounter animal cruelty? What are their enforcement powers as far as animal cruelty?

Complaints about animal welfare are in the Criminal Code in NH and thus are in the purview of law enforcement. As such, according to NH law, all complaints must be filed with local law enforcement, "Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept." To the extent that incidents are not reported directly to law enforcement, there is a risk that they might not be captured in NIBRS.

With these past discussions and concerns in mind, Sub-Committee 3 identified two far-reaching goals:

Goal 1 - Enforce all NH Law Enforcement agencies, cities, towns, and/or political sub-divisions to comply with the FBI NIBRS reporting of animal cruelty incidents annually through proper channels. As this data is not generally available until year end, also require reporting to County Attorney's Office and onto the NH Department of Justice (DOJ) for data collection.

Recommended Implementation Steps:

- a. Advance this recommendation to the Governor and Executive Council to require "by, with, and through" the NH Attorney General's Office through the County Attorneys the mandatory reporting of FY Animal Cruelty Cases per the new requirements of the FBI (2016) annually.
- b. Identify how many Police Departments are reporting their required animal cruelty NIBRS statistics in accordance with Federal Regulations (91-A) request through NH County Attorneys' Office. Identify

⁵ With the passage of HB 529 this legislative session, there will be another NH reporting agency. (Conservation Officers)

what/how municipal police agencies handle and dispose of animal cruelty or other animal calls for service and required reports.

Discussion:

Specific criminal data (specified reporting crime numbers and statistics) is compiled by the county attorneys as part of its annual collection of effort(s). The county attorneys in turn could simply direct their municipal agencies, agents, and state law enforcement organizations to provide animal cruelty data in their respective jurisdictions to be included as part of their annual collection process. (As of 2019 animal cruelty data does not appear in annual NIBRS crime statistics compiled and provided by the NH Department of Safety.⁶) The subcommittee assumes the counties are already collecting and archiving this information anyway as it accounts for officer time and calls for service.

The subcommittee believes that this method would close the reported data gap by a significant amount since there is no mechanism for reporting animal cruelty investigations or arrests and prosecutions as part of their annual data reporting as it has never been mandated by the Attorney General or the County Attorneys.

Follow-up Notes:

Chairs Eber and Zezula held a Zoom meeting with Senior Assistant Attorney General Geoffrey Ward to discuss the reporting of animal cruelty cases to the Department of Justice. It was found that there is no mandated reporting to either the County Attorneys' Office or the DOJ. Further discussions led to a way to connect to the County Attorneys and prosecutors to dialog with them about cruelty laws, investigations and court cases. The chairs will also liaise with the Department of Safety about what and how incidents are currently reported to NIBRS.

Goal 2- Determine the current role of animal control officers (ACO) in the state of NH. Propose a statutory requirement that all municipalities have an ACO position or assign ACO duties to a designated officer within the Department.

Recommended Implementation Steps:

- a. Review all current RSA's that reference "animal control officer", and determine mandated functions according to state law. Determine if there should be additional legislation to further define the role of Animal Control Officer.
- b. Identify how many Town's in NH have ACOs and who supervises them. Are any certified police officers? What are their job responsibilities? What is their role in animal cruelty reporting and investigations? This may be done through a survey sent by the NH Municipal Association and the Animal Control Officers Association of New Hampshire.⁷
- c. Require that each city, town, or political sub-division provide adequate ACO training and supervision either through the establishment of that position as part of a larger organization (i.e., a sub-component of a police department for example) or through supervision by a Town Manager, Town Council, or board of Selectman.

Follow-up Notes: A survey (Appendix) was developed and emailed to ACO's through the Animal Control Officers Association of New Hampshire. It shows that most ACO's are civilians and many do not handle cruelty cases.

⁶ <https://crimestats.dos.nh.gov/public/View/RSReport.aspx?ReportId=22>

⁷ From data obtained from the NH Municipal Association (139 member towns), it seems that only 85 towns list any type of ACO function or position. NH has 13 cities, 221 towns, and 25 unincorporated places.

Subcommittee 4: Law Enforcement Training and Review of Resources Website

I. Background

Training of law enforcement officers and prosecutors in animal cruelty case investigation and prosecution has been recognized as necessary by former Commissions and the NH Police Standards and Training Council.

Jerilee Zezula, D.V.M., current co-chair of the Commission, developed an on-line course in the Applied Animal Science Curriculum on titled *Animal Cruelty: NH Laws, Investigations, and Prosecution* specifically to address this need. In 2007, she was invited to do a two-hour class on animal cruelty investigation for the Police Academy. This course has been taught to each Academy since then. In 2009, she also began offering a two-day In-Service class that is made available to NH Law Enforcement and Animal Control Officers. This class is offered yearly and is held when funds are available and enrollment sufficient. It is basically an elective course for officers in the field.

When the first edition of the *Animal Cruelty Investigation and Prosecution Manual* was being written in 2011, Dr. Zezula, with input from the Commission, put together a **Resources** website meant to accompany the Manual that was housed on the UNH web server. It contains background information, detailed investigation guidance documents, documents produced by national agencies regarding investigation and prosecution, updates to NH and federal laws and more. When Dr. Zezula retired from UNH in 2009, this website was moved a private web space maintained by her. Plans are in the works for the material on this website to be moved to the NH Police Standards and Training website once they have migrated to their new format.

II. 2020 – 2021 Updates

The Commission this year completed the second edition of the Manual to reflect current laws update investigative techniques and information in regards to prosecution. It is published on the Commission website (<https://www.nh.gov/humane/publications/index.htm>) and the Department of Justice website (<https://www.doj.nh.gov/criminal/publications.htm>).

Sub-Committee 4, has been reviewing the current *Resources* website and removing outdated material and adding new resources. The *Animal Cruelty Case Resources* document that provides a listing of organizations, businesses and individuals that can assist directly with investigations/prosecution or provide funds for either the care of animals or investigation costs has been updated.

In addition to the training available in NH, there are national organizations that offer in-depth training both for law enforcement, animal control, prosecutors and judiciary. One of the goals of this subcommittee in the future is to identify this training and make that list available on the resources website.

The Commission is now also contributing to the NH Police Standards and Training newsletter and hopes to utilize it to make law enforcement aware of new legislation, resources and training.

III. Discussion

Over the course of several years, the Commission has discussed the issues involving investigations and subsequent prosecutions with and without convictions. In reviewing cases, it appears there have been errors made either in the investigation so that it could not be brought to prosecution, or cases where prosecution has not led to conviction. In many instances animals have been held in custody as evidence for very long periods of time. There have been offender's sentences reduced to violations, thus not allowing them to be charged as second conviction on subsequent offenses. Occasionally cases with multiple animals were not investigated

because of potential costs to the town for care and transport logistics. Both of these issues should now be eased due to NH's new Cost of Care law and other resources available. The Commission feels that every NH law enforcement agency should be versed in animal cruelty investigations

While the education on how to conduct professional animal cruelty investigations with the animal's welfare in mind exists at both the state and national level, there is a lack of actual training and commitment in many areas of New Hampshire. Animal cruelty is a crime against society (as per NIBRS) and the animal is both property and a sentient being. These cases should always be handled in a professional manner and according to current laws.

Subcommittee 5: Legislation Tracking

I. Background

Subcommittee 5 is charged with tracking current session legislation starting with a screening process to identify Legislative Services Requests (LSRs) that may indicate changes to, or additions to, the NH animal cruelty statutes. In December of 2020 the subcommittee had identified 14 LSRs to be monitored. As language became available for the LSRs and bill numbers were assigned the subcommittee prepared a discussion document for the Commission in January of 2021 listing the bill number and title with links to the bill text on the nh.gov website. Two rounds of voting were held during Commission meetings where each member voted whether a particular bill warranted support, opposition, or monitoring. Based upon those voting results the original list of tracked legislation was narrowed down to a final selection of 7 bills for which the Commission had a consensus opinion.

In addition, a separate tracking process was maintained that documented the House and Senate Committee actions on the 7 bills for which the Commission had a consensus opinion, as well as the record of floor votes that may have been held on the Commission tracked legislation. Summaries of these tracking documents are presented in the following sections.

II. Initial Screening Results

Once language had been finalized for all 14 LSRs originally identified the following table was prepared for committee discussion:

HB 338	TEXT	Title:	relative to penalties for dog theft and tampering with a dog's radio collar.
		Sponsors: (Prime)	Brian Sullivan , Jeffrey Goley , Skip Rollins , Barbara Comtois
HB 92	TEXT	Title:	establishing a committee to study best practices for companion animal groomers.
		Sponsors: (Prime)	Jim Maggiore , Amanda Gourgue
HB 250	TEXT	Title:	relative to pet vendors.
		Sponsors: (Prime)	Howard Pearl , Max Abramson , Michael Moffett , Timothy Lang , Gerald Griffin , Margaret Kennedy
HB 366	TEXT	Title:	defining animal hoarding.
		Sponsors: (Prime)	Howard Pearl , Michael Moffett , Timothy Lang
HB 367	TEXT	Title:	relative to animal health certificates and quarantine requirements for animals imported into the state.
		Sponsors: (Prime)	Howard Pearl , Michael Moffett , Timothy Lang
HB 249	TEXT	Title:	relative to animal shelter facilities.
		Sponsors: (Prime)	Howard Pearl , Michael Moffett , Timothy Lang
HB 174	TEXT	Title:	relative to reporting a collision between a cat and a motor vehicle.

		Sponsors: (Prime) Daryl Abbas , John Janigian, Anita Burroughs, Cam Kenney	
HB 322	TEXT	Title:	requiring a color photo of a dog on a rabies vaccination certificate.
		Sponsors: (Prime) Dave Testerman	
HB 532	TEXT	Title:	creating an animal records database.
		Sponsors: (Prime) Peter Bixby	
HB 387	TEXT	Title:	relative to rabies vaccinations for dogs.
		Sponsors: (Prime) Thomas Bucu	
HB 529	TEXT	Title:	relative to cruelty to a wild animal, fish, or wild bird.
		Sponsors: (Prime) Ellen Read , Jeb Bradley, David Watters, Janet Wall, Debra DeSimone, Patrick Abrami, David Danielson, James Spillane, Betty Gay, Kate Murray, Tom Sherman, Amanda Toll	
HB 431	TEXT	Title:	relative to the responsibilities of an elected animal control officer.
		Sponsors: (Prime) Scott Wallace , Bill Gannon	
HB 438	TEXT	Title:	relative to the confidentiality of animal records databases.
		Sponsors: (Prime) Barbara Comtois , Norman Silber, Kevin Verville	
HB 246	TEXT	Title:	establishing a protective order for vulnerable adults.
		Sponsors: (Prime) Robert Renny Cushing , Latha Mangipudi, Wendy Chase	

Through two rounds of voting, the Commission was able to determine which of these 14 original bills in the 2020-2021 legislative session warranted continued tracking with a preliminary decision as to whether the selected bills would receive support, opposition or continued monitoring as they traveled through the committee hearing process.

III. Selected Bills for Commission Action

Seven of the original 14 bills being tracked were selected for further Commission scrutiny and action and the remainder were designated as bills to monitor. Of the 7 bills that were voted to require Commission action the Commission’s majority decision was that 3 were worthy of support that 4 should be opposed.

The three bills that received a majority vote of support and the rationale for that determination are summarized as follows.

HB 532 (establishing an animal records database)- In the 2019-2020 legislative session RSA 437 was amended to remove the definition of “commercial kennel” and a new definition of a “pet vendor” was established. HB 532 would establish a mechanism to accurately track the numbers of animals transferred by an entity to determine whether that entity was subject to licensing under the new pet vendor definition. The Commission had a specific concern however regarding the limitation of release of information clause (437:8-a V) in that it may hinder law enforcement from obtaining information that may be helpful in animal cruelty investigations. The commission also felt that the definition of “official health certificate” was vague.

HB 174 (relative to reporting a collision between a cat and a motor vehicle)- existing statute requires this reporting for collision with dogs, and HB 174 extended that protection for cats which the Commission felt was appropriate.

HB246 (establishing a protective order for vulnerable adults)- this bill would allow the inclusion of pets in any restraining orders which would afford pets protection previously unavailable.

The 4 bills that received a majority vote of opposition were:

HB338 (relative to penalties for dog theft and tampering with a dog's radio collar)- the Commission's concern with this bill was that the inclusion of poisoning in this bill is duplicitous of the poisoning definition in RSA 644:8 and that it should not be introduced into the civil code.

HB250 (relative to pet vendors)- the Commission's concern with this bill was that it relaxed the threshold definition of a pet vendor that was established in the last legislative session thereby reducing licensing requirements for pet vendors.

HB 366 (defining animal hoarding)- The Commission was opposed to the attempt to criminalize a mental health condition, but learned that the bill was to be retained in committee so took no further action

HB 438 (relative to the confidentiality of animal records databases)- The Commission was opposed to the confidentiality protections in that they may hinder appropriate law enforcement access to data. This bill was also retained in committee so no further action would be taken.

IV. Changes to the Executive Order

On April 16, 2021 Executive Order 2021-07 was issued by the Governor's office withdrawing Executive Orders 2017-04 and 2017-05 which among other things granted the Commission to "support or seek support for any proposed legislation or regulations, provided that such support shall only be sought with the approval of the Governor".

From the list of seven bills listed above, the Commission was granted permission by the Governor's office to provide testimony on two of these bills, HB 174 and HB 338, and the Commission did provide that testimony.

V. Final Disposition of 2020-2021 Legislation

A full summary of the progress of the Commission's tracked legislation to date can be seen in the following table.

Governor's Commission on the Humane Treatment of Animals 2020-21 Session Bill Tracking

Original Bills				House Action				Senate Action				Final	
Bill Original Text	Title/Notes	Sponsors	GCHTA Opinion	Committee/ Hearing Date	Committee Decision	FLOOR DECISION	Committee/ Hearing Date	Committee Decision	FLOOR DECISION	Committee/ Hearing Date	Committee Decision	FLOOR DECISION	Status/Chapter
HB 338	relative to penalties for dog theft and tampering with a dog's radio collar.	(Prime) Brian Sullivan, Jeffrey Goley, Skip Rollins, Barbara Comtois	OPP	House Criminal Justice and Public Safety 02/10/2021 at 03:30 PM	Committee Report: OTP with Amendment #2021-0395h (Vote 19-2; RC)	OTP with Amendment 2021-0395h: MA VV 04/08/2021	Energy and Natural Resources 04/19/2021 at 01:30 PM	OTP's with Amendment #2021-1296s, 05/13/2021	Ought to Pass with Amendment 2021-1296s, MA, VV; OT3rd; 05/13/2021	House Concurs with Senate Amendment 2021-1296s; (Rep. Abbas) Passed			
HB 250	relative to pet vendors	(Prime) Howard Pearl, Max Abramson, Michael Moffett, Timothy Lang, Gerald Griffin, Margaret Kennedy	OPP	House Environment and Agriculture House Environment and Agriculture 02/03/2021 at 09:00 AM	Committee Report: Ought to Pass with Amendment #2021-0935h (Vote 18-1; CC)	OTP with Amendment 2021-0350h: MA VV 04/07/2021	Energy and Natural Resources 04/19/2021 at 01:20 PM	Committee Report: OTP with Amendment #2021-1290s	Ought to Pass with Amendment 2021-1290s, MA, VV; OT3rd; 05/13/2021	House Concurs with Senate Amendment 2021-1290s; (Rep. Pearl) Passed as part of HB 2			
HB 366	defining animal hoarding	(Prime) Howard Pearl, Michael Moffett, Timothy Lang	OPP	House Environment and Agriculture House Environment and Agriculture 02/03/2021 at 11:00 AM	Retained in Committee								
HB 174	relative to reporting a collision between a cat and a motor vehicle.	(Prime) Daryl Abbas, John Janigian, Anita Burroughs, Cam Kenney	SUPP	Ways and Means 03/10/2021 at 9:00 AM	OTP (Vote 19-0; CC)	OTP as amended:	Transportation 04/13/2021	Ought to pass: Floor date - 4/22/2021	Ought to Pass with Amendment 2021-1133s RC 20Y-4N, MA; OT3rd	House Concurs with Senate Amendment 2021-1133s; Passed			
HB 532	creating an animal records database.	(Prime) Peter Bixby	SUPP	House Environment and Agriculture 01/27/2021 at 10:00 AM	Majority Committee Report: OTP with Amendment #2021-0211h (Vote 16-2; RC) HC12 P. 19	OTP with Amendment: MA RC 214-141 02/24/2021 Retained in Ways and Means							
HB 438	relative to the confidentiality of animal records databases.	Rep. Comtois, Belk. 7; Rep. Silber, Belk. 2; Rep. Verville, Rock. 2	OPP	House Environment and Agriculture	Retained in Committee								
HB 246	establishing a protective order for vulnerable adults.	Rep. Cushing, Rock. 21; Rep. Mangipudi, Hills. 35; Rep. Chase, Straf. 18	SUPP	House Health, Human Services and Elderly Affairs	Majority Committee Report: Inexpedient to Legislate (Vote 14-7;)	Indefinitely Postpone (Rep. Burt). MA RC 195-158.02/24/2021							

APPENDIX

Governor's Commission on the Humane Treatment of Animals Subcommittees 2020-2021

Subcommittee 1 (Data/Laws): Gather data on animal cruelty cases/convictions and summarize any significant changes in statutes or administrative rules for Biennial Report. 2018/2019 time period.

Stephen Crawford
Tom Seymour
Heather Faria (Chairperson)
William Wright

Subcommittee 2 (Propose Legislation): Propose/suggest new legislation or revisions to the current laws to ensure/ improve safety and welfare of domestic animals and NH citizens. This Committee will write a short summary of proposed legislation that will be included in Biennial Report.

Patricia Morris
Marga Coulp
Senator Jeb Bradley
Representative Barbara Comtois
Jennifer Eber – Ex-officio

Subcommittee 3 (Reporting): Evaluation of animal cruelty reporting in NH. This will include the role of the ACO in identifying and/or investigating animal cruelty as part of their regular duties in their respective towns. This information will be included in Biennial Report.

Wendy Munroe (Chairperson)
Gary Lambert
Sheila Johannesen
Dean Rondeau

Subcommittee 4 (Training): Investigate and evaluate current training available (local, regional and national) for the investigation and prosecution of crimes against animals. Identify the target audience of such training i.e. law enforcement officers, animal control officers, prosecution, and judiciary. This will include reviewing the Commission Resources website ([//neacha.org/resources](http://neacha.org/resources)) and updating [New Hampshire and National Resource List: Investigators/Veterinarians/Organizations/Funding Sources](#).

Jozi Best
Cynthia Collins
Steve Sprowl
Elaina Enzien
Jeri Zezula – Ex-officio

Subcommittee 5 (Legislation Tracking): Track proposed legislation and lead Commission in preparing position statements. Follow and inform the commission on the drafting of administrative rules that will impact the statutes involving crimes involving animals.

Kurt Ehrenburg
Jane Barlow Roy
George Cook
Tom DeRosa

Subcommittee 3: Reporting and Role of ACO
NH ACO Survey sent Via Email April 2021

1. Do you as an Animal Control Officer have police powers or no police powers?
2. What town are you an Animal Control officer in? appointed? elected?
3. Do you write reports on all your calls? Where are they stored?
4. What does your reporting function look like?
5. Who do you report possible animal cruelty to? And how does that function of reporting a possible case handled in your town?

Town	Name	Civilian/Police	Appointed/elected	Reports on all calls?	Source of reports	Form of reports	Process after call?	Report cruelty to?	Cruelty report handled?
Ackworth	Cathy Sullivan	civilian	Appointed/multi jurisdictional	Yes	with PD	written	ACO investigates	Police or NHDAMF	ACO or police investigates
Belmont	Michelle King	Civilian	Police Hire/Multi Jurisdictional	Yes	IMC Laconia, forwarded to Gifford and Belmont	IMC	Dispatch, voicemail, emails. Thorough cruelty investigation with patrol officer	PD	Initial investigation in detail, then work with assigned patrol officer.
Candia	Deb Martel	Civilian	Appointed	Yes	Rockingham Dispatch, IMC	All calls entered		PD	
Claremont	Cathy Sullivan	civilian	Appointed/multi jurisdictional	yes	with PD	written	ACO investigates	Police or NHDAMF	ACO or police investigates
Cornish	Cathy Sullivan	civilian	Appointed/multi jurisdictional	yes	with PD	written	ACO investigates	Police or NHDAMF	ACO or police investigates
Danville	Sheila Johannesen	Civilian	Elected		none entered in IMC	Paper log, Paper report if requested	Calls from Rockingham dispatch	Tona McCarthy, Pope Memmorial, Concord	Tona reports to Danville PD
Deerfield	Cindy McHugh	Civilian	Appointed	most serious ones	IMC	IMC format	Tries to handle	County SPCA	
Derry	Robin Bordonaro	Civilian	Appointed	Yes	log and IMC	All calls entered		PD	
Dover	Kathy Ladisheff	Civilian	Appointed	Yes	IMC	QED	ACO investigates	not answered	
Francestown	Dale Green	Civilian	Appointed	YES	Elec and paper back-up	Word doc	investigate, report, confer	Chief of PD	investigate, report, confer
Freemont	Rene King	Civilian	Hired	yes	IMC	reason and outcome		Chief of PD	
Gifford	Michelle King	Civilian	Police Hire/Multi Jurisdictional	Yes	IMC Laconia, forwarded to Gifford and Belmont	IMC	Dispatch, voicemail, emails. Thorough cruelty investigation with patrol officer	PD	Initial investigation in detail, then work with assigned patrol officer.
Haverhill	Michelle Regan	Civilian	appointed	in log, PD computer soon		spreadsheet		PD	
Hillsborough	Dale Green	Civilian	Appointed	Yes	Elec and paper back-up	Word doc	investigate, report, confer	patrol sgt	investigate, report, confer
Hudson	Jana McMillan	Civilian	Appointed/police department	Brief details in call log. Reports as needed	IMC	IMC	all calls logged in. Investigate, if cruelty log is updated; may be assigned an officer.	PD	all calls logged in. Investigate, if cruelty log is updated; may be assigned an officer.
Laconia	Michelle King	Civilian	Police Hire/Multi Jurisdictional	Yes	IMC Laconia, forwarded to Gifford and Belmont	IMC	Dispatch, voicemail, emails. Thorough cruelty investigation with patrol officer	PD	Initial investigation in detail, then work with assigned patrol officer.
Lempster	Cathy Sullivan	civilian	Appointed/multi jurisdictional	yes	with PD	written	ACO investigates	Police or NHDAMF	ACO or police investigates

Town	Name		Civilian/Police		Appointed/elected		Reports on all calls?		Source of reports		Form of Reports		Process after call?		Report cruelty to?		Cruelty Report handled?	
			Part Time Police	Police officer	For violations	Crimetrack	typical	Does all followups	Police prosecutor; chain of command	Police Prosecutor consult								
Londonderry	Dave Carver		Part Time Police	Police officer	yes	Crimetrack	typical	Does all followups	Police prosecutor; chain of command	Police Prosecutor consult								
Merriamack	Haylie Gulino		Civilian	Appointed	no answer	IMC Rockingham, hard copies at PD	Digital	investigate ASAP, bring officer if an issue. Calls are about outdoor livestock, neighbor concern.	ARL, NHDAMF	Does initial investigation, works with patrol								
Newton	Kathy Drouin		Civilian	Appointed	no answer	IMC Rockingham, hard copies at PD	regular	phone or respond. Written report for forfeitures.	Never had a cruelty call. Would contact Steve Sprowl									
Northwood	Jon Bourdeau		Civilian	Appointed	no answer	IMC Rockingham, hard copies at PD	typical	Investigates, warrants with a approval of supervisor or prosecutor	not answered									
Pelham	Allison Caprigno		Part time Police	Appointed	yes	IMC	IMC	does initial investigation, officer assigned for warrants	supervising Sgt.	Issues warrants with approval								
Portsmouth	Bonnie Robinson		Civilian	Appointed, Police Patrol Division	Yes	IMC	Same as police	does initial investigation, officer assigned for warrants	PD	does initial investigation, officer assigned for warrants								
Rochester	Sue Paradis		Civilian	Appointed	yes	IMC Tritech software	Laws are referenced in IMC											
Unity	Cathy Sullivan		civilian	Appointed/multi jurisdictional	yes	with PD		ACO investigates	Police or NHDAMF	ACO or police investigates								