

Bill as Introduced

HB 1639-FN-LOCAL - AS INTRODUCED

2010 SESSION

10-2379

08/09

HOUSE BILL

1639-FN-LOCAL

AN ACT relative to the tethering of dogs.

SPONSORS: Rep. Kepner, Rock 15

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill adds tethering of dogs for extended periods of time to the definition of criminal animal cruelty.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the tethering of dogs.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Tethering of Dogs; Cruelty to Animals. RSA 644:8, III(f) is repealed and reenacted to read as
2 follows:

3 (f) Tethers a dog for more than 14 cumulative hours in any 24-hour period. The tether shall:

4 (1) Be 5 times the length of the dog, from the tip of the nose to the base of the tail;

5 (2) Terminate at either end with a swivel;

6 (3) Not weigh more than 1/8 the dog's weight;

7 (4) Be free of tangles;

8 (5) Be connected to the dog by a non-choke type collar or body harness made of nylon
9 or leather; and

10 (6) Secure the dog in an area free of injury-causing or entangling debris.

11 (g) Otherwise negligently permits or causes any animal in his possession or custody to be
12 subjected to cruelty, inhumane treatment or unnecessary suffering of any kind.

13 2 Cruelty to Animals; Seizure of Animals. Amend RSA 644:8, IV-a(a) to read as follows:

14 IV-a.(a) Except as provided in subparagraphs (b) and (c) any appropriate law enforcement
15 officer, animal control officer, or officer of a duly licensed humane society may take into temporary
16 protective custody any animal when there is probable cause to believe that it has been or is being
17 abused or neglected in violation of paragraphs III or III-a *or* when there is a clear and imminent
18 danger to the animal's health or life and there is not sufficient time to obtain a court order. Such
19 officer shall leave a written notice indicating the type and number of animals taken into protective
20 custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to
21 have the animal returned and any other relevant information. Such notice shall be left at the location
22 where the animal was taken into custody. The officer shall provide for proper care and housing of any
23 animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been
24 returned or claimed, the officer shall petition the municipal or district court seeking either permanent
25 custody or a one-week extension of custody or shall file charges under this section. If a week's
26 extension is granted by the court and after a period of 14 days the animal remains unclaimed, the title
27 and custody of the animal shall rest with the officer on behalf of the officer's department or society.
28 The department or society may dispose of the animal in any lawful and humane manner as if it were
29 the rightful owner. If after 14 days the officer or the officer's department determines that charges
30 should be filed under this section, the officer shall petition the court.

31 3 Effective Date. This act shall take effect January 1, 2011.

LBAO
10-2379
12/15/09

HB 1639-FN-LOCAL - FISCAL NOTE

AN ACT relative to the tethering of dogs.

FISCAL IMPACT:

The Judicial Branch, Judicial Council, Department of Corrections, and New Hampshire Association of Counties state this bill may increase state and county expenditures by an indeterminable amount in FY 2011 and each year thereafter. This bill will have no fiscal impact on local expenditures or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill would amend RSA 644:8, III to add as a separate category of cruelty to animals the tethering of a dog for more than fourteen cumulative hours in a twenty-four hour period. It also contains requirements for a proper tether. Violations of this provision would be unspecified misdemeanors for a first offense and class B felonies for a second or subsequent offense. The Branch is unable to estimate how many new charges, and the level of charges, that will be brought pursuant to the proposed legislation. In FY 2010 and beyond, the Branch states the cost to process an average class A misdemeanor charge in district court is \$51.14, the cost to process a class B misdemeanor charge is \$36.89, and the cost to process a class B felony (a routine felony) is \$335.98. These figures do not consider any salary increases or decreases that may occur, or the cost of any appeals that may be taken following trial in any potential criminal cases. The exact fiscal impact cannot be determined at this time.

The Judicial Council states this bill may result in an indeterminable increase in general fund expenditures. The Council states if an individual is found to be indigent, the flat fee of \$275 per misdemeanor and \$756.25 per felony level offense is charged by a public defender or contract attorney. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$1,400 for a misdemeanor and a cap of \$4,100 for a felony level offense. The Council also states additional costs could be incurred if an appeal is filed. The public defender, contract attorney and assigned counsel rates for Supreme Court appeals is \$2,000 per case, with many assigned counsel attorneys seeking permission to exceed the fee cap. Requests to exceed the fee cap are seldom granted. Finally, expenditures would increase if services other than counsel are requested and approved by the court during the defense of a case or during an appeal. The exact fiscal impact cannot be determined at this time.

LBAO
10-2379
12/15/09

The Department of Corrections states crime and arrest data is not available in sufficient detail to predict the number of individuals who would likely be subject to this legislation. However, the average annual cost of incarcerating an individual in the general prison population for FY 2009 was \$33,110. The cost to supervise an offender by the Department's Division of Field Services for FY 2009 was \$744.

The New Hampshire Association of Counties states to the extent an individual is convicted, and sentenced to incarceration, the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be detained or incarcerated as a result of this bill. The average cost to incarcerate an individual in a county facility is \$35,342 a year.

The Department of Justice states any fiscal impact could be absorbed within their existing budget.

Speakers

11:30 A.M.

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1639-FN-L Date January 20, 2010

Committee Criminal Justice and Public Safety

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one)	
				Pro	Con
ST. REP L. MIKE KAPLER	ROCK DIST 2				X
Rep Mary Gorman		886-1652	HILLS 23		X
SUZANNE L. FOURMIER	MILFORD, NH		ANIMAL PROTECTION ACTIVIST NETWORK OF NH	✓	
Thomas Gardner	Milford, NH		SELF	✓	
Rick Tomasso	Manchester		LPNN		X
Rep Carla Maranda	Sullivan			✓	
Janice J. [unclear]	[unclear]		SELF		✓
Rep Susan Kean	Dist 15		Spornsm	X	
Janet Slat	Berthel NH			✓	
VICTORIA SUTERBY	3 WALKER BLVD	603 672 9883	SELF	✓	
Janica Morris	PO Box 37 Ctr Barnstead			✓	
Mary C. Albentzi	15 B Arlington St. Nashua, NH 03060	603-521-4899		✓	
Karen Clement	PO Box 414 Peterborough		03458	✓	
Richard Jordan	" " " "			✓	
Steph Amour	6 Independence Dr Pelham		635-7871	✓	
Carol [unclear]	Mon. Humane Soc. 101 W Swanzey		Swanzey	✓	
PAMELA A GAGNON	74 ROSSE AVE. MANCHESTER, NH 03103			✓	
Christine Leachman-Lee	PO Box 28 N. Sandwich, NH	603/284-1722		✓	
SARJA P. CHAMBERS	P.O. Box 87 N. Sandwich, NH	(603) 284-6399	SELF	✓	
M. Lissa Dudley	168 West Rd Canterbury, NH		783-9416	✓	
SUSAN THOMPSON	110 SHAW ST, MANCHESTER, NH 03104			✓	
Rep. Christine Hamm	Hopkinton		03229		✓
Susan McDowell	161 McKenna Dr Nashua		03062	✓	
Maveen Prendergast	ARL-NH 545 RT 101 Bedford, NH		03110 ARL-NH	✓	

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1639 FN-L Date 1/20/10

Committee _____

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Doris Hood	31 So Gray St Man	608-4883		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kat Ravelletti	13 Beech St	Nashua NH		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cindy Stave	59 Mason Drive	New Boston		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sherry Bezanson	55 Seasons Ln	Concord NH		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anne L. Surman	12 Hampton Falls	Exeter, NH		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Rauter	51 Canterbury Rd	Chichester 03258	self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lynne McCuan	202 Jacobith Rd.	HANCOCK NH	BAB RAP	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steve Dube	91 Lake St	03060		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christina Roche	91 Lake St.	Nashua, NH		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jean Slopian	1252 Rte 123rd	Stoddard NH		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Keop W Brundard	Concord			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vanny Holmes	51 New Rd	New Piste		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Britain Hill	1006 Pleasant Pond Rd	Francestown		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keith Carlson	Keene	997-1446	Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
India Leode	Exeter		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Penny Dean	Concord		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Cawetta	Chostet		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JAY FINNIZY	ACWORTH		SELF	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Linda Dime	Raymond		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Denise Pearl	270 South St.	Concord	self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marie Rossetti	Beech St	Manchester	we the People	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Garthwaite	Manchester		Self	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
John B. Stattery	50 Hillcrest Ave	Manchester		<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATG

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1639-FN-L

BILL TITLE: relative to the tethering of dogs.

DATE: January 20, 2010

LOB ROOM: 204 Time Public Hearing Called to Order: 12:10 p.m.

Time Adjourned: 1:52 p.m.

(please circle if present)

Committee Members: Reps. Shurtleff, Pantelakos, Berube, Robertson, Movsesian, Burridge, Cushing, Rodd, Handley, B. McCarthy, M. Ryder, Welch, Charron, Pesh, Weare, Stevens, Villeneuve, Gagne, Swinford and Willette.

Bill Sponsors: Rep. Kepner, Rock 15

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Prime Sponsor - Rep. Kepner - (Supports)

- Bill is an education piece. How to properly tether dogs.
- Has problem with fiscal note, doesn't view as penalty bill.
- Provided petitions from people who support the bill.

Steve Crawford - N. H. Department of Agriculture, State Vet. (Oppose)

- Current law provides for criminal charges for abusing dogs.
- Making specific act illegal opens up opportunity for other abuse.
- 84 licensed Humane organizations in N.H. with this bill, any one of them could seize a dog.

Joanne Bourbeau - Humane Society of U. S. (In support)

- Has written testimony.

*George Cook - N. H. Musers Association (Opposed)

- One size fits all type of legislation.
- Spoke of differences of how various breeds differ as to tethering.
- Had hand out for committee re financial impact of monies spent in State by musers.
- Had written testimony.

Joyce Arivella - Dog Owners of the Granite State (Opposed)

*Yvonne Nanasi - Testified at same time - (American Kennel Club)

- Has written testimony.

HB 1639-FN-L Page Two Continued

*Stephanie Frommer - Monadnock Humane Society - (Supports)

- Has written testimony.

Robert Johnson - Farm Bureau (Opposed)

- Concerns already expressed by others.

Barbara Amero - Self (Opposed)

- Cited personal experience.

Britain Hill - Self (Opposed)

- People who care deeply about dogs want to treat them as humans.
- Had handout.

Nancy Holmes - Self (Opposed)

- Self-proclaimed dog expert.
- Will upset acclimatization.
- Stipulation on length and weight doesn't make sense
- Had handouts.

Jean Slipian - Self (In support)

- Related personal experience.
- Tried to contact Musher's Association regarding this bill but there was no response.

*Janice Gardner - Self (Opposed)

- Had written testimony.

Keith Bryant - Self (Opposed)

- He is a musher.

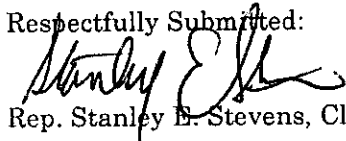
Daniel Dockham, Jr. - N. H. Wildlife Association (Opposed)

- Sled dogs need to be acclimated and takes more than 10 hrs. a day.
- Has had dogs for 45 years that were hounds and trained for hunting.

Greg Barker - N. H. Mushers Association (Opposed)

- Agrees and supports other testimony in opposition.

Respectfully Submitted:


Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1639-FN-L

BILL TITLE: relative to the tethering of dogs.

DATE:

LOB ROOM: 204 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

Committee Members: Reps. Shurtleff, Pantelakos, Berube, Robertson, Movsesian, Burridge, Cushing, Rodd, Chandley, B. McCarthy, M. Ryder, Welch, Charron, Pesh, Weare, Stevens, Villeneuve, Gagne, Swinford and Willette.

Bill Sponsors: Rep. Kepner, Rock 15

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 1639-FN

20 Jan 2016

Stall 12:10
Finish 1352

Prime Sponsor: Rep. Kepner

Support

- bill is an education piece - how to properly tether dogs.
- has problem with fiscal note, doesn't view as penalty bill.
- provided petitions from people who support bill

Steve Crawford: NH Dept. of Agriculture, State Vet

oppose

- current law provides for criminal charges for abusing dogs.
- making specific act illegal opens up opportunity for other abuse.
- 84 licensed humane organizations in NH - with this bill, any one of them could seize a dog.

Joanne Bordeaux Humane Society of U.S.

(in support)

- has written testimony.

George Cooke NH Mushers Assoc.

(opposed)

- one size fits all type of legislation
- spoke of differences of how various breeds differ as to tethering.
- had hand out for committee re financial impact of monies spent in state by mushers.

(2)

• had written testimony

Joyce Arivella Dog Owners of the Granite State (opposed?)
Gvonne Narasi testified at same time (American Kennel Club)

• has written testimony

Stephane Frommer Monadnock Humane Society (supporter)

• has written testimony

Robert Johnson Farm Bureau (opposed)

• concerns already expressed by others

Barbara Amero self (support)

• cites personal experience

Britann Hill self. (opposed)

• people who care deeply about dogs want to treat them as humans.

• had handout

Nancy Holmes self (opposed)

• self-proclaimed dog expert.

(3)

- will upset acclimatization
- stipulation on length and weight doesn't make sense.
- had handouts

Jean Slepian

self.

(in support)

- related personal experience
- Tried to contact musher's association re this bill but there was no response.

Jamie Gardner

self

(opposed)

- had written testimony.

Keith Bryant

self

(opposed)

- he is a musher.

Daniel Dockham, Jr. NH. Wildlife Assn.

(opposed)

- sled dogs need to be acclimated and take more than 10 hrs. a day.
- has had dogs for 45 years that were hounds and trained for hunting

(4)

Greg. Barker NH Mushers Assn.

opposed

* agrees and supports other testimony
in opposition.

Testimony

Joan Borden

THE HUMANE SOCIETY OF THE UNITED STATES™

The Facts About Chaining or Tethering Dogs

1. What is meant by "chaining" or "tethering" dogs?

These terms refer to the practice of fastening a dog to a stationary object or stake, usually in the owner's backyard, as a means of keeping the animal under control. These terms do not refer to the periods when an animal is walked on a leash.

2. Is there a problem with continuous chaining or tethering?

Yes, the practice is both inhumane and a threat to the safety of the confined dog, other animals, and humans.

3. Why is tethering dogs inhumane?

Dogs are naturally social beings who thrive on interaction with human beings and other animals. A dog kept chained in one spot for hours, days, months, or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious, and often aggressive.

In many cases, the necks of chained dogs become raw and covered with sores, the result of improperly fitted collars and the dogs' constant yanking and straining to escape confinement. Dogs have even been found with collars embedded in their necks, the result of years of neglect at the end of a chain. In one case, a veterinarian had to euthanize a dog whose collar, an electrical cord, was so embedded in the animal's neck that it was difficult to see the plug.

4. Who says tethering dogs is inhumane?

In addition to The Humane Society of the United States and numerous animal experts, the U. S. Department of Agriculture (USDA) issued a statement in the July 2, 1996, *Federal Register* against tethering:

"Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury."

5. How does tethering or chaining dogs pose a danger to humans?

Dogs tethered for long periods can become highly aggressive. Dogs feel naturally protective of their territory; when confronted with a perceived threat, they respond according to their fight-or-flight instinct. A chained dog, unable to take flight, often feels forced to fight, attacking any unfamiliar animal or person who unwittingly wanders into his or her territory.

Numerous attacks on people by tethered dogs have been documented. For example, a study published in the September 15, 2000, issue of the *Journal of the American Veterinary Medical Association* reported that 17% of dogs involved in fatal attacks on humans between 1979 and 1998 were restrained on their owners' property at the time of the attack. Tragically, the victims of such attacks are often children who are unaware of the chained dog's presence until it is too late. Furthermore, a tethered dog who finally does get loose from his chains may remain aggressive, and is likely to chase and attack unsuspecting passersby and pets.

6. Why is tethering dangerous to dogs?

In addition to the psychological damage wrought by continuous chaining, dogs forced to live on a chain make easy targets for other animals, humans, and biting insects. A chained animal may suffer harassment and teasing from insensitive humans, stinging bites from insects, and, in the worst cases, attacks by other animals. Chained dogs are also easy targets for thieves looking to steal animals for sale to research institutions or to be used as training fodder for organized animal fights. Finally, dogs' tethers can become entangled with other objects, which can choke or strangle the dogs to death.

7. Are these dogs dangerous to other animals?

In some instances, yes. Any other animal that comes into their area of confinement is in jeopardy. Cats, rabbits, smaller dogs, and others may enter the area when the tethered dog is asleep and then be fiercely attacked when the dog awakens.

8. Are tethered dogs otherwise treated well?

Rarely does a chained or tethered dog receive sufficient care. Tethered dogs suffer from sporadic feedings, overturned water bowls, inadequate veterinary care, and extreme temperatures. During snow storms, these dogs often have no access to shelter. During periods of extreme heat, they may not receive adequate water or protection from the sun. What's more, because their often neurotic behavior makes them difficult to approach, chained dogs are rarely given even minimal affection. Tethered dogs may become "part of the scenery" and can be easily ignored by their owners.

9. Are the areas in which tethered dogs are confined usually comfortable?

No, because the dogs have to eat, sleep, urinate, and defecate in a single confined area. Owners who chain their dogs are also less likely to clean the area. Although there may have once been grass in an area of confinement, it is usually so beaten down by the dog's pacing that the ground consists of nothing but dirt or mud.

10. But how else can people confine dogs?

The HSUS recommends that all dogs be kept indoors at night, taken on regular walks, and otherwise provided with adequate attention, food, water, and veterinary care. If an animal must be housed outside at certain times, he should be placed in a suitable pen with adequate square footage and shelter from the elements.

11. Should chaining or tethering ever be allowed?

To become well-adjusted companion animals, dogs should interact regularly with people and other animals, and should receive regular exercise. It is an owner's responsibility to properly restrain her dog, just as it is the owner's responsibility to provide adequate attention and socialization. Placing an animal on a restraint to get fresh air can be acceptable if it is done for a short period. However, keeping an animal tethered for long periods is never acceptable.

12. If a dog is chained or tethered for a period of time, can it be done humanely?

Animals who must be kept on a tether should be secured in such a way that the tether cannot become entangled with other objects. Collars used to attach an animal should be comfortable and properly fitted; choke chains should never be used. Restraints should allow the animal to move about and lie down comfortably. Animals should never be tethered during natural disasters such as floods, fires, tornadoes, hurricanes, or blizzards.

13. What about attaching a dog's leash to a "pulley run"?

Attaching a dog's leash to a long line—such as a clothesline or a manufactured device known as a pulley run—and letting the animal have a larger area in which to explore is preferable to tethering the dog to a stationary object. However, many of the same problems associated with tethering still apply, including attacks on or by other animals, lack of socialization, and safety.

14. What can be done to correct the problem of tethering dogs?

At least 25 communities have passed laws that regulate the practice of tethering animals. Maumelle, Arkansas; Tucson, Arizona; and New Hanover, North Carolina, are a few communities that prohibit the chaining or tethering of dogs as a means of continuous confinement. Many other communities allow tethering only under certain conditions; Jefferson County, Kentucky, for example, prohibits dogs from being tethered for more than eight hours in any 24-hour period.

15. Why should a community outlaw the continuous chaining or tethering of dogs?

Animal control and humane agencies receive countless calls every day from citizens concerned about animals in these cruel situations. Animal control officers, paid at taxpayer expense, spend many hours trying to educate pet owners about the dangers and cruelty involved in this practice.

A chained animal is caught in a vicious cycle; frustrated by long periods of boredom and social isolation, he becomes a neurotic shell of his former self—further deterring human interaction and kindness. In the end, the helpless dog can only suffer the frustration of watching the world go by in isolation—a cruel fate for what is by nature a highly social animal. Any city, county, or state that bans this practice is a safer, more humane community.



Joan Bourbeau

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OF THE UNITED STATES**

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Persia White

David O. Wiebers, M.D.

Testimony by: Joanne Bourbeau

In Support of: HB 1639

Committee: House Criminal Justice and Public Safety Committee

Date: January 20, 2010

My name is Joanne Bourbeau, and I am a Senior State Director for Vermont and New Hampshire for The Humane Society of the United States (HSUS). I am also a board member of the New Hampshire Federation of Humane Organizations and a member of the New Hampshire Governor's Commission on the Humane Treatment of Animals. On behalf of The HSUS and our more than 74,000 members and supporters in the state of New Hampshire, I would like to submit this written testimony in support HB 1639, "An Act relative to the tethering of dogs."

Legislation that places restrictions on dog tethering has become increasingly popular in recent years, and for good reason. Currently, there are over 100 communities in more than 30 states with ordinances that address tethering. In 2009, eighteen tethering bills were introduced in nine different states. These laws are designed for two reasons – to protect the welfare of dogs and the safety of the public.

Tethering Causes Aggression - a Threat to Public Safety

The practice of chaining or tethering leads to aggression in dogs—even in dogs who start out friendly and docile. Continuously tethered dogs become lonely, bored, territorial, and aggressive. As their stress and frustration levels escalate, it is only a matter of time before they have the opportunity to lash out if their tether breaks or some unlucky soul—be it a pet or a child— happens to enter their territory.

Chaining is a known risk factor for dog bites, at the same level of causes as improper training and lack of sterilization. One study published in a 1994 edition of the journal *Pediatrics* found that chained dogs are nearly three (2.8) times more likely to bite than unchained dogs and over five (5.4) times more likely to bite children than unchained dogs.¹

¹ K.A. Gershman, Jeffrey J. Sacks, and J.C. Wright, "Which dogs bite? A case-control study of risk factors," *Pediatrics* 93 (1994), 913-917.

Celebrating Animals, Confronting Cruelty

New England Regional Office

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humanesociety.org

Numerous attacks on people by tethered dogs have been documented. A 2000 study published in the *Journal of the American Veterinary Medical Association* reported that 17% of dogs involved in fatal attacks on humans between were restrained on their owners' property at the time of the attack.² Tragically, the victims are often children.

Tethering is Inhumane

In many cases, the necks of chained dogs become rubbed raw and covered with sores, the result of poorly fitted collars and the dogs' constant yanking and straining in desperate attempts to escape confinement. Dogs have been found with collars embedded in their necks, the result of years of neglect at the end of a chain. In one case, a veterinarian had to euthanize a dog whose collar, an electrical cord, was so embedded in the animal's neck that it was difficult to see the plug that was ultimately removed.

Tethered dogs are frequently kept chained in the backyard because their owners are unwilling to allow the dog to live inside with the family. Despite the owners initial best intentions, tethered dogs are often given minimal attention and tend to suffer from sporadic feedings, overturned water bowls, inadequate veterinary care, and extreme temperatures. Moreover, dogs tethered in the same spot day after day have to eat, sleep, urinate, and defecate in a single confined area. Although there are exceptions, the owner who chains her dog is also the owner less likely to clean the area.

The Humane Society of the United States urges a favorable vote for HB 1639, to improve the welfare of dogs and reduce the incidence of dangerous dogs. Thank you for your time and consideration.

Joanne Bourbeau
The Humane Society of the United States
Email: jboubeau@hsus.org
Phone: 802-368-2790

² Jeffrey J. Sacks, Leslie Sinclair, Julie Gilchrist, Gail C. Golab, and Randall Lockwood, "Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998," *Journal of the American Veterinary Medical Association* 217 (September 15, 2000): 836-840, www.cdc.gov/ncipc/duip/dogbreeds.pdf.

George Cook

Testimony prepared for hearing on HB1639, Wednesday February 25, 2010

My name is George Cook, and I am a resident of Jefferson, and happy to make the two hour drive to Concord today to speak in opposition to this bill. A brief synopsis of my credentials is in order. I have been active in the sport of purebred dogs for over 30 years, with Siberian Huskies who are both show dogs and racing sled dogs. I have traveled all over North America representing the State of NH in prestigious sled dog races, and have visited hundreds of kennels. I am the Vice President of the NH Musher's Association, the Secretary of the Board of Directors of the International Sled Dog Racing Association (ISDRA), and have an appointment from Governor Lynch to serve on his Commission on the Humane Treatment of Animals.

This bill is flawed in several ways, and I have already emailed letters to the members of this committee outlining my objections. However, I will further stress that this bill is another example of a one-size-fits-all piece of legislation that does more harm than good. Any attempt to stipulate or legislatively mandate tether requirements will create danger for one breed of dog at the expense of another. Remember that there are over 160 breeds of dogs recognized by the American Kennel Club, representing a wide spectrum of physiologies, temperaments, and functions, and the formula for tethers contained in this bill does not have any veterinary or biomechanical basis in fact. In fact, the tether prescribed in this bill would be frankly dangerous to most dogs. Working sled dogs have been safely and effectively tethered for decades, and in fact the tethering used in racing kennels can be an important part of their exercise regimen. However, what is an appropriate tether for a working sled dog would most likely not be appropriate for a Dachshund.

FIELD TRIAL TETHERS
FINANCIAL IMPACT STUDY

In addition, the proposed amendment to Section 644:8, Iva-(a) is, allows, in effect, illegal search and seizure of private property, and carries with it the right to enter on private property with a subjective presumption of danger, and a subjective presumption of guilt in a criminal statute. It will place a huge financial burden on every municipality in this state, as the municipality has the obligation to pay for the care of what may be inappropriately seized animals.

In our work serving on the Governor's Commission, the members have seen time and time again that public education is what is lacking, not additional burdensome and misguided legislation. I urge you not to pass HB 1639.

Dear Representative xxxx,

I am writing to express my opposition to the language contained in HB 1639, and request that you consider this information carefully in your evaluation of this legislation. As proposed, the tethering requirements may cause more harm than good, and the bill further invades personal property rights which is unconscionable.

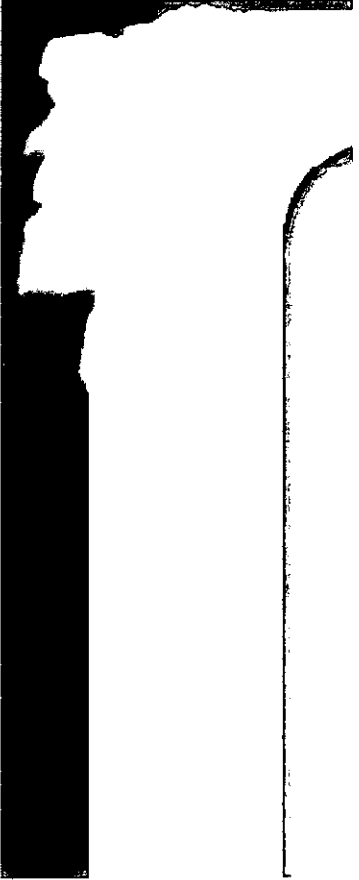
With regard to the proposed tethering requirements, these requirements are completely arbitrary and lack any veterinary or biomechanical evidence to support them. The 14-hour maximum tethering time frame is completely subjective, and does not take into consideration the many diverse factors that would allow a tethered dog to be completely safe and secure. In addition, in towns and cities that may have enacted overly restrictive zoning laws relative to fencing, tethering may be the only viable alternative. The requirement for the length of the tether is likely to be injurious to a dog, especially a larger dog as it greatly increases the likelihood of tangles, which I suspect this stipulation was proposed to limit. The proposed requirements for swivels and weight of tether introduce two additional possible danger factors since the resulting tether could be too light and too weak to securely and safely control the dog, leading to an increase in unrestrained animals to contend with. Finally, there is no way to legislate against tangles, regardless of the intent.

Of even greater concern is the change in language to RSA 644:8, IV-a (a) which in effect allows an illegal seizure of private property and includes a presumption of guilt by the officer seizing the animal(s) in question. The fiscal note is absolutely misinformed, as well. This legislative change represents a potentially devastating burden to municipalities, as it is the responsibility of the municipality confiscating an animal to provide the necessary financial support for the animal's care. This bill would give the right to a potentially uninformed officer to enter on private property with a subjective premise of danger, thereby committing scarce municipal resources to care for an animal that may have been perfectly safe.

The time and money wasted on the enforcement of this ill-conceived legislation would be much better invested in public education initiatives on proper dog care. If you have any questions or would like to speak to me, I can be reached at 241 Ingerson Rd, Jefferson, NH 03583 or by phone at (603)586-4503.

Sincerely,

George W. Cook IV



**New Hampshire
Mushers Association
Financial Survey
The Results
Phase 1**



New Hampshire Mushers Association Financial Survey – The Results – Phase 1

▣ The Facts

- ▣ NMHA collected cards at 7 NH Events**
- ▣ 231 Musher Cards – 62.2 % of Participants**
- ▣ 41 Spectator Cards - .5 % of Estimated Spectators**

- ▣ Total Musher – 371**
- ▣ Total Estimated Spectators – 7150**

- ▣ Mushers came from 14 States, Canada, and Germany**
- ▣ NH Mushers represented 43.7% of the total Mushers**

New Hampshire Musers Association Financial Survey – The Results – Phase 1

■ The Facts – continued

**■ Mushing Families spent an average of \$316
per event**

■ Spectators spent an average of \$259 per event

■ Total \$ impact by Musers \$ 120,628

■ Total \$ impact by Spectators \$ 1,764,822

■ Total Muser Projection \$ 361,882

■ Total Spectator Projection \$ 5,294,466

■ Total Impact Projection \$ 5,656,348



New Hampshire Musers Association Financial Survey – The Results – Phase 1

▪Key Findings

- Musers Survey is Statistically Significant**
- Thanks to All who participated**

- Spectator Survey cards were insufficient to be Statistically Significant**
- However, even these small numbers suggest that attracting Spectators to Mushing events can decidedly increase the financial impact on the Event, the Area, and the State.**



New Hampshire Mushers Association Financial Survey – The Results – Phase 1

▪ Future Steps

- Present Formal Phase 1 Report to NH Governor and Legislators**
- Phase 2 - Personal Musher Survey**
- Phase 3 - Revisit Spectator Survey during 2010 Racing Season**
- Phase 4 - Create a joint venture with local University to validate NHMA study.**

Joyce Arivella

Thank you Mister Chair and members of the House Criminal Justice and Safety Committee for hearing my testimony today.

For the record my name is Joyce Arivella. I am here on behalf of Dog Owners of the Granite State. DOGS is a NH registered non-profit corporation for which I serve as President. I am also a member of the NH Governor's Commission for the Humane Treatment of Animals (although I don't speak for them), Chair of the Obedience Committee for the Newfoundland Club of America, a Director on the board of the Tracking Club of Massachusetts, and a member in good standing of Souhegan Kennel Club and the Newfoundland Club of New England.

In my testimony today I will tell you some stories about my dog. His name was Splash and he was a strong and very clever Newfoundland Dog that kept us on our toes. He was also earned the nickname Houdini.

We have an extra large dog crate and when Splash was young he would stay in that if we were out for several hours. On one of those occasions when he was just over a year old I put him in the crate; which was on our enclosed porch; put the bar in the sliding door and went out. When my husband returned home Splash was in the house. Upon investigation we pieced together what happened. The dog had found a weak spot in the crate construction, one of the hooks was not fastened securely. This 120 pound dog forced his way out of the corner of the crate, then he "climbed" up as high as he could on the sliding door and pushed his way into the house. We do not know how he did this with injury but thankfully he was unhurt.

Splash and I did water rescue work. In training sessions the dogs waiting to train are crated or kenneled. Splash was kenneled because at almost 2 years old he had had several crate escapes. He could get out of the crate faster than he could get out of the kennel. Leashes were wrapped around the kennel gate below and above the latch to prevent him from pushing the gate. We still had to watch him because he would climb the chain link fence.

There was also the time my friend and I went to an obedience trial with two of our dogs. Splash and her dog Abby were left outside in the 10 x 20 dog kennel. Splash was 5 years old at this time. I was skeptical but the fence was 8 feet high partially covered with a tarp and there was a piece of wood in front of the gate so that it had to be opened inward. Arrangements were made with a neighbor to check on them. When the neighbor came the dogs were waiting patiently on the front porch for our return. The screen door was shredded from the attempted B & E. The dogs were let into the house. When we got back and checked the kennel the gate had been pushed open from the inside. The steel latch was bent beyond repair. Fortunately the dogs were fine. Houdini had struck again.

I can't even remember how many chains and collars this dog snapped. We kept getting a heavier chain and we tried both buckle and choke collars. This cable, chain and collar are what finally held him but Splash was never left unattended on it. The length of this chain is too long to have held him for long.

A fence or kennel wouldn't hold this dog. Even a tether had to be just right. The setup on this tether is that the cable is wrapped around a 20 inch tree and fastened together with large nuts and bolts on a steel bar. If the chain was less heavy it would have to be shortened or a dog this strong could easily snap it with a running start. The chances of escape or mishap on a chain 5 times the length of the dog are multiplied. This is not a chain that I use for tethering; it was and still is used for potty breaks when someone is home. If I had to tether my dog this bill would

make it illegal for me to do in my yard and follow the bill's criteria. I do not have a fenced yard and for safety reasons there are times when I have to tether my dogs.

I have a new dog now and at 120 pounds he has already snapped one buckle collar while he was tethered on this chain. This bill does not take into consideration the many clever dogs in NH like Splash. We lost him to cancer just over a year ago and although we had to be creative to meet the challenges he loved to give us, not a day goes by that I don't miss him.



The Truth about Tethering: ***New Yorkers deserve laws based on facts.***

Not fear.

- **Humane restraint safeguards both pets and the community. Loose running dogs are a nuisance and may bite.**
- **Cornell University study found that proper tethering is a safe and humane method of confinement.**
- **Solid, dog-proof fencing is expensive and not permitted in some areas.**
- **Anti-tethering laws may negatively impact poor, rural, and minority communities.**
- **Anti-tethering laws may sound humane, but may actually do more harm than good.**
- **Animal rights extremists deliberately distort statistics – there is no factual basis for anti-tethering laws.**

Responsible owners need all options to humanely confine their dogs!

- The CDC does not support anti-tethering laws
- The AVMA does not support anti-tethering laws
- Anti-tethering laws are the latest craze
- Strict leash laws safely, humanely control and contain dogs

Caring owners exercise caution and adequate supervision of their dogs, regardless of the restraint method they choose.

Dog Federation of New York

Dog-friendly, dog-safe communities for all New Yorkers

The Dog Federation of New York is a statewide coalition of dog clubs, organizations and individual dog owners that serves the public interest by educating citizens and public officials on dog safety and responsible dog ownership. DFNY advocates for strong, and humane dog-related legislation and is committed to working with municipalities across the state to implement preventative dog safety education.

DogFederationofNewYork.org

Low-income communities feel effect of new law prohibiting dog chains

In first four months of rules, animal control has received more than 875 reports of possible violations.

By Suzannah Gonzales
AMERICAN-STATESMAN STAFF
Monday, March 03, 2008

When two tickets came in the mail, Dianna Routt said, she wasn't surprised.

Animal control officers had been stopping by her aunt's house on Chicon Street in East Austin regularly to see whether Bobby, Routt's 75-pound pit bull, was on a chain. The day that animal control took Bobby, he was on a chain, she said, because Routt's aunt was waiting for the mail and Meals on Wheels and More to make a delivery.

"Now I'm out of maybe \$1,000 for these fines," said Routt, a 32-year-old customer service representative. "Yeah, I'm still mad. I want to take it to trial."

During the first four months that the city's rules prohibiting dogs from being left unattended on outdoor chains and tethers were in effect, the city received 875 calls about possible violations. The result has been 98 citations, with a potential fine of up to \$500 for each misdemeanor charge.

When the city ordinance was being discussed, East Austin activists said poor families would be unfairly targeted. They noted that dogs are often chained because fencing is expensive and that keeping dogs tethered is as much an issue of cultural difference as one of humane treatment.

An American-Statesman analysis of city records shows that the ZIP codes that drew the most calls about possible violations correspond with some of the city's poorest areas.

East Austin ZIP code 78702, which had a median household income of \$23,348 in 2000, had the most calls: 133. That was about 15 percent of all calls from the date the law went into effect, Oct. 1, to Feb. 6.

<http://www.statesman.com/news/content/news/stories/local/03/03/0303dogchain.html>

About Tethering

Animal activists would have the general public believe that tethering is inherently cruel. This is due in part to a desire to humanize dogs and convince the public that it is impossible for any dog to be happy unless it lives in the house.

Activists use only the worst examples of chained dogs in heart wrenching, emotional displays, posters, websites, and lobbying materials for anti-chaining campaigns. The physical act of chaining or tethering itself is not cruel. Rather it is the deliberate and uncaring act of the owner chaining the dog improperly and failing to provide necessary shelter and sustenance that is the cruel act. Anyone capable of such cruelty does not even need a chain, but can inflict misery on a dog locked in a shed, crated inside the house, or penned and forgotten.

The goal of the anti-tethering lobby is to spread enough misinformation about tethering until all people automatically believe that tethering in any form is animal cruelty.

The more restrictions these animal rights lobbying groups, such as the Coalition to Unchain Dogs, PETA, and HSUS, can devise to upset animal management practices the more difficult it becomes for professionals, hobbyists, hunters, and dog owners in general to continue their activities.



Our Board of Directors consists of animal professionals who own, show and/or responsibly breed dogs, cats, horses, birds, rabbits, livestock, and reptiles.

We educate the public about being a responsible owner, making the correct choice of a pet for their needs and lifestyle; having realistic expectations of the behavior and level of care required; finding resources for training to achieve a happy, healthy relationship with their pet.

We support the human-animal bond, and help pet owners enjoy having pets be part of their lives.

We educate professionals and the public on the difference between animal welfare and animal rights.

We develop educational materials for citizens, schools, veterinarians, pet supply stores, animal shelters, libraries, and training centers.

NCRAOA
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HUMANE TETHERING & PENNING

A Public Service Message
from NCRAOA



Tethering Facts

Tethering can be the safest method of controlling a hard to contain animal. There are dogs that can escape from anything. They can chew through fencing and even chain link, break out windows, open doors, climb or dig under fences, and destroy wire and plastic shipping crates in seconds. These dogs can only be contained securely (and humanely) with a well thought out tether system.

A dog in a 10 X 10 ft kennel has 100 feet of play room. A dog on a 10 ft tether has 360 ft of play room; a dog on a 20 ft tether has 1256 ft of play room

Tethering is a primary means of control and training of hunting dogs; sled dogs, and dogs that compete in weight pull competition.

Some communities may restrict fencing or have regulations in place regarding type and height which may make them unsuitable for containment.

Cornell Study: The purpose of this study was to determine whether tethering was detrimental to the dogs' welfare. The study charted a wide range of behaviors, and noted those behaviors and the increase or decrease of such in a pen and on a tether. Their conclusion, "There was no indication that tethering was more detrimental to the dogs' welfare than housing in a pen." Further they stated that tethered dogs did not exhibit more stereotypic behaviors, believed to be an indicator of animal welfare. *Yeon Seong C., Golden Glen, Sung Wailani, Erb Hollis N, Reynolds Arleigh J, Houpt Katherine A Comparison of Tethering and Pen Confinement of Dogs Journal of Applied Animal Welfare Science 2001 4(4)257-270*

Proper Tethering

All methods of containment, tether, pen, crate, if done properly are humane and are better left to the discretion of responsible dog owners and hunters.

In a good tethering situation, a dog has access to food (when appropriate), water and shelter and a play area.

- ❖ Minimum chain size should be 10 ft and of suitable weight for the dog's size.
- ❖ A small airplane tie down works well as an anchor for the chain.
- ❖ The area should be clear so there is no danger of entanglement.
- ❖ Dirt or grass is preferable to the chained area being concrete as it is better for the dog to lay on; the area must provide access to dry ground in case of heavy rains.
- ❖ The dog should be wearing a flat, buckle collar (not harness).
- ❖ The dog needs a dog house appropriate for the climate and shade in summer.
- ❖ To ensure water bowls or buckets do not tip over, secure them to the dog house (if wooden) or secure to stakes

The act of tethering itself is not cruel. Neglect and abuse are the problem.

Imposing time limits discriminates against people who work and prefer to leave the dog outside; and denies their animal access to the outdoors for the work day.

Rather than eliminate the practice of tethering, it is more rational to enforce existing animal welfare and anti-cruelty laws to handle cases of abusive tethering.

Kennel Runs (Pens)

Hand in hand with anti-tethering legislation comes the idea to establish kennel sizes with near ridiculous requirements per dog.

Generally the suggested minimum space for a dog begins at 100 SF for each 20# dog, and the ordinance continues to specify increasing sizes based on the dog's weight. There is no logic or basis in either science or animal husbandry to dictate extraordinary pen sizes.

One only needs to review standard kennel sizes of leading manufacturers and kennel runs sold throughout the state.

For example, Lowe's and Tractor Supply both sell a popular box kennel that is 6 ft high and 7 ½ X 13 or 97.50 SF as well as a 10X10X6 box kennel.

Legislating minimum sizes above these obviously makes it illegal for companies to sell these products in our state.

Legislating kennel sizes, which therefore sets limits on the number of dogs that can be kenneled outdoors due to space, is simply another tactic by animal rights advocates to impose restrictions on hunters and dog hobbyists.

The important factors in setting up kennel runs is that they provide shelter from the elements, shade, dry ground, and are secure – containing the dog from either digging under or climbing over.

Tethering, crating, fenced yards, kennel runs, etc., are each responsible options for humane restraint. Dog owners need a full range of choices in order to choose what works best for their situation.

**North Carolina Responsible Animal Owners Alliance (NCRAOA)
PO Box 455, Stem NC 27581**

Tethered vs Non-Tethered Dogs and the Relation to Dog Bite Injuries

Pressure on legislators to enact laws that will restrict or ban tethering as a method of containment often follow a local dog bite injury that is given dramatic media attention. Legislators are then faced with the task of sorting fact from emotion. Attempts to retrieve data to support or oppose tethering are usually tied to articles regarding dog bite injuries and fatalities. Few studies exist regarding the disposition or well-being of non biting tethered dogs.

NCRAOA understands the concern of legislators for any impact reduced tethering could have on the welfare of the dogs themselves and for the safety of children.

We provide below information from various studies for your consideration.

STUDIES

Yeon, Golden, et al (2001)

The purpose of this study was to determine whether tethering was detrimental to the dogs' welfare. The study charted a wide range of behaviors, and noted those behaviors and the increase or decrease of such in a pen and on a tether.

Their conclusion, "There was no indication that tethering was more detrimental to the dogs' welfare than housing in a pen." Further they stated that tethered dogs did not exhibit more stereotypic behaviors, believed to be an indicator of animal welfare.

Sacks, Sinclair, et al (2000)

This study involved DBRF (dog bite related fatalities), and attempts to identify breeds of dogs involved in fatal attacks, purebred or mixed breed, if attacks occurred on or off the owner's property, and whether the dogs were restrained (eg, chained or leashed) or unrestrained. Of the 27 fatalities in 1997 and 1998, "Five (19%) deaths involved unrestrained dogs off the owners' property, 18 (67%) involved unrestrained dogs on the owners' property, 3 (11%) involved restrained dogs on the owners' property, and 1 (4%) involved a restrained dog off the owners' property." From this it is correct to assume that unrestrained dogs accounted for 23 deaths, while restrained dogs were responsible for 4 deaths. When the same criteria was used for 227 DBRF between 1979 to 1998, unrestrained dogs were involved in 188 incidents (82%), while restrained dogs were responsible for 39 fatalities (18%).

Gershman, Sacks, et al (1994)

The authors conducted a matched case-control study to determine dog specific factors associated with dogs biting non household members. Dogs were qualified, and the study contained 178 cases reported to the Denver Municipal Animal Shelter of first bite incidents that required medical attention.

The part of this report relevant to tethering states: "Several environmental factors were also associated with biting. Biting dogs were significantly more likely to reside in homes with one or

more children \leq 10 years of age and to be chained while in the yard. Of the 83 dogs chained while in the yard (cases plus controls), 44 (53%) had growled or snapped at visitors to the house. This behavior was also reported, however, of 116 (44%) of 263 dogs not chained while in the yard." The category "chained while in the yard" states that 55 of 174 biting dogs (32%) were chained while in the yard, while only 28 of 171 non biting dogs (16%) were chained while in the yard. The authors state that their findings of being chained in the yard as a risk factor for biting agrees with previous studies, but state "A dog may be chained as the result of having exhibited aggressive behavior which itself may be a risk factor for biting, rather than chaining somehow causing a dog to bite." "One measure of aggressive behavior may be growling or snapping at visitors to the house. Our results, however, showed no significant difference in this behavior for dogs chained while in the yard and those not chained, suggesting that chaining was not likely to have been the result of aggressive behavior."

AVMA Task Force on Canine Aggression and Human-Canine Interactions
Beaver, Baker, et al (2001)

This admirable report establishes ways for the community as a whole to work on dog bite prevention by identifying issues and allies, formatting an infrastructure for and model of reporting bites, as well as media and educational approaches.

The Task Force mentions tethering only in Appendix 3: Recommended data elements for reports of dog bites. This section states under dog information that in addition to sex, spayed or neutered, rabies vaccination, and microchip number that degree of confinement at time of bite be considered. The comment reads:

"Identifying different forms of confinement (eg. chaining, tethering, electronic fence,) is important if risk associated with these practices is to be assessed."

ADDITIONAL COMMENTS:

Perhaps the quote used most often by supporters of anti-tethering is from The Humane Society of the United States (HSUS):

http://www.hsus.org/pets/issues_affecting_our_pets/animal_abuse_and_neglect/the_facts_about_chaining_or_tethering_dogs.html

A study published in the Sept. 15, 2000 issue of the Journal of the American Veterinary Medical Association reported that 17 percent of dogs involved in fatal attacks on humans between 1979 and 1998 were restrained on their owners' property at the time of the attack. Tragically, the victims of such attacks are often children who are unaware of the chained dog's presence until it is too late. Furthermore, a tethered dog who finally does get loose from his chains may remain aggressive, and is likely to chase and attack unsuspecting passersby and pets.

What this fails to state is that the other 82% were unrestrained on or off their owners' property (only 1% restrained off the owner's property).

References:

Yeon Seong C., Golden Glen, Sung Wailani, Erb Hollis N, Reynolds Arleigh J, Houpt Katherine A Comparison of Tethering and Pen Confinement of Dogs *Journal of Applied Animal Welfare Science* 2001 4(4)257-270

Sacks Jeffrey J, MD, MPH, Sinclair Leslie DVM, Gilchrist Julie MD, Golab Gail C PhD, DVM, Lockwood Randall PhD Breeds of Dogs involved in fatal human attacks in the United States between 1979 and 1998 *JAVMA* 2000, Vol 217 6:836-840

Gershman Kenneth A MD MPH, Sacks, Jeffrey J MD MPH, Wright John C PhD
Which Dogs Bite? A Case-Control Study of Risk Factors
Pediatrics 1994 Vol 93 6:913-917

Beaver, Bonnie V DVM, MS, DACVB, Chair for the Task Force on Canine Aggression and Human-Canine Interactions A Community approach to dog bite prevention *JAVMA*, Vol. 218, No.11, June 1, 2001 p.1732-1749

For additional information contact
NCRAOA
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American Kennel Club News Article Introduction of Tethering Bills in Multiple States

Date of Article: April 03, 2007

The Canine Legislation Department is currently monitoring numerous state bills proposing laws that would ban, restrict, or limit the practice of tethering dogs. AKC recognizes that under certain circumstances, responsible tethering is an appropriate method of containing a dog. As many of these bills severely restrict a dog owner's right to responsibly tether an animal, many constituents have contacted AKC regarding how best to respond to and oppose these proposals.

The American Kennel Club believes that dog owners bear a special responsibility to their canine companions to provide proper care and humane treatment at all times. This includes an adequate and nutritious diet, clean water, clean living conditions, regular veterinary care, kind and responsive human companionship, and training in appropriate behavior. The American Kennel Club also believes that dogs should not be kept in circumstances or numbers where these needs can not be adequately fulfilled.

Additionally, anyone convicted of animal cruelty involving a dog will have all AKC privileges suspended.

With substantive animal cruelty statutes already in place, states and local governments need to enforce existing law in cruel tethering cases. Irresponsible owners who are not providing humane treatment for their animals can and should be prosecuted under current law. The already-existing cruelty laws make these proposed tethering bans or restrictions unnecessary.

For example, North Carolina Senate Bill 1172, introduced by Senator Cowell, proposes to make most instances of tethering dogs a criminal act. However, North Carolina's existing animal cruelty statute—N.C. Gen. Stat. § 14-360 (1999)—already properly addresses all instances of animal cruelty, including cruel tethering, by providing that if any person shall intentionally overdrive, overload, wound, injure, kill, or deprive of necessary sustenance, or cause such damage to be inflicted upon any animal, such offender shall for every such offense be guilty of a Class 1 misdemeanor. This law applies to any act, omission, or case of neglect causing or permitting unjustifiable pain, suffering or death to an animal. Enforcement of this law effectively negates any need for the proposed legislation.

North Carolina is not alone in its attempt to intervene unnecessarily with tethering as a useful tool for confining dogs. Bills similar to North Carolina's have been introduced in Maine, Maryland, New York, Rhode Island, Tennessee, Texas, Virginia, and West Virginia. (The proposals in Rhode Island and Virginia have been effectively quashed in committee.)

AKC encourages concerned fanciers and dog owners to work with their legislators to ensure that laws make appropriate allowances for responsible tethering. For more information regarding specific bills and bill status in any of the above mentioned states, contact AKC's Canine Legislation Department at (919) 816-3720, or e-mail doglaw@akc.org.



AMERICAN
KENNEL CLUBSM

September 22, 2009

The Honorable W. Kent Carper
Chair, Kanawha County Commission
407 Virginia St. East 3rd Floor
Charleston, WV 25301

Dear Mr. Chair,

Concerned dog owners and citizens of the Kanawha County contacted the American Kennel Club regarding recent changes to the animal control policy that will dramatically affect their ability to own dogs. We respectfully write to you on their behalf.

The AKC does not take an official position with regard to tethering, however our experience in animal control policy leads us to have several concerns about the new policy in Kanawha County. With regard to tethering, the stipulations relating to the type of tether and how to safely tether an animal seem to be reasonable. However the provisions allowing tethering only while the owner completes a temporary task and the stipulation that the responsible party be watching the animal at all times are completely unnecessary and unreasonable. Further, the provision that prohibits dogs not be tethered in extreme weather seems reasonable until "extreme weather" is determined to be above 85 degrees Fahrenheit or below 40 degrees Fahrenheit in the subsequent section.

The definition of "extreme weather" as above 85 degrees Fahrenheit and below 40 degrees Fahrenheit is not reasonable. The ordinance makes no allowances for breeds that are comfortable at those temperatures. There are many arctic breeds such as Malamutes, Akitas and Siberian Huskies which thrive in at or below freezing temperatures. Other sporting breeds such as various Retrievers and Spaniels are also acclimated to being outdoors in warmer and colder temperatures. Certainly it is reasonable to require that appropriate shelter is provided for the animals, such as a dog house that is in good repair, but to prohibit them from being penned outside at all when temperatures exceed these thresholds is not reasonable.

The requirement that there be 100 square feet of space per animal is not based on any accepted practice of animal husbandry and does not take in to account the varying sizes and exercise needs of different breeds. Under the ordinance the same space requirements pertain to Chihuahuas as to Labrador Retrievers. The "Exceptions" section seems to imply that the county recognized some of the inherent fallacies of this provision, but is still allows for arbitrary decisions that may cost a responsible dog owner thousands of dollars to rectify or even worse, may force them to surrender their animals.

As an example of more reasonable requirements, I am attaching a copy of our AKC Care and Conditions policy. These guidelines allow for differences within breeds and seek to address what is paramount; the actual conditions of the dog's living situation.

Finally, AKC opposes the use of the term "guardian." The American Kennel Club strongly supports the term "owner" in reference to the keeping of dogs. We consider "guardian" to be devoid of the rights and obligations humans have as owners: to keep, nurture, and protect their animals. While the term "owner" places responsibility on people for the care and actions of their dogs, use of the term "guardian" removes a person's legal right to protect his or her dog and does nothing to promote or require kinder treatment of animals.

As you and the members of the Kanawha County Commission seek to develop a reasonable and effective animal control ordinance for your community, the AKC strongly encourages you to work with constituent dog owners and local dog hunting groups. These experienced dog owners have a wealth of knowledge about animal husbandry which would be very valuable to the county in addressing the specific concerns in your area. We respectfully urge you to repeal this measure and to engage in a community dialogue about how to most effectively address these issues.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Sprouse".

Sarah Sprouse
Manager, Government Relations

cc: Members of the Kanawha County Commission
West Virginia Bear Hunters Association

September 26, 2009

AKC taking issue with Kanawha County's dog tethering ordinance

By John McCoy

Staff writer

IT PROBABLY MADE members of the Kanawha County Commission feel good to impose a tethering ordinance on dog owners.

After all, who hasn't seen dogs leashed on absurdly short tethers? Who hasn't seen chained dogs lying outside in 100-degree weather? Who hasn't wished that something be done to prevent owners from neglecting their pets?

The commissioners had probably seen all that and then some. Small wonder they wanted to do something about it. But in drawing up the ordinance, they apparently paid a little too much attention to a group of people the late, great L. T. Anderson liked to call "The Terribly Concerned."

You know the type. They're the folks who worry that the snowman in a snow globe might catch a chill.

The Terribly Concerned's thumbprints are all over the final ordinance, which decrees - among other things - that all dogs be brought indoors when the outside temperature drops below 40 degrees or rises above 85.

People who would propose such an ordinance must be well-informed dog lovers, right?

Wrong.

Earlier this week, Sarah Sprouse - government relations manager for the American Kennel Club - wrote a letter to Commission Chairman Kent Carper.

"With regard to tethering, the stipulations relating to the type of tether and how to safely tether an animal seem to be reasonable," the letter began. "However the provisions allowing tethering only while the owner completes a temporary task and the stipulation that the responsible party be watching the animal at all times are completely unnecessary and unreasonable.

"Further, the provision that prohibits dogs [from being] tethered in extreme weather seems reasonable until 'extreme weather' is determined to be above 85 degrees Fahrenheit or below 40 degrees Fahrenheit in the subsequent section.

"The definition of 'extreme weather' as above 85 degrees Fahrenheit and below 40 degrees Fahrenheit is not reasonable. The ordinance makes no allowances for breeds that are comfortable at those temperatures. Many Arctic breeds such as malamutes, Akitas and Siberian huskies thrive in temperatures at or below freezing. Other sporting breeds such as various retrievers and spaniels are also acclimated to being outdoors in warmer and colder temperatures.

"The requirement that there be 100 square feet of space per animal is not based on any accepted practice of animal husbandry and does not take into account the varying sizes and exercise needs of different breeds. Under the ordinance the same space requirements pertain to Chihuahuas as to Labrador retrievers.

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In Bill Folder

A Comparison of Tethering and Pen Confinement of Dogs

Seong C. Yeon, Glen Golden, Wailani Sung, Hollis N. Erb,
Arleigh J. Reynolds, and Katherine A. Houpt

*College of Veterinary Medicine
Cornell University*

This study compared general activity and specific behaviors of 30 adult Alaskan sled dogs, 19 male and 11 female dogs, on 3.5 m tethers and in 5.9 m² pens. The investigators used activity level and stereotypies as indicators of welfare. The dogs spent most of their time inactive, either lying or sitting both on the tether and in the pen. They had more opportunity for interaction with one another but less space in the pen (5.9 m² in the pen vs. 38.5 m² on the tether). Standing on the hind legs ($p < .05$) occurred more frequently in the pens; circling was more frequent on the tethers ($p < .05$). The U.S. Department of Agriculture approves penning but not tethering of dogs; however, the behavior of the dogs in this study did not indicate an improvement in welfare in pens.

There is agreement that proper housing is necessary for optimal canine welfare; however, despite research on some aspects, there is no agreement about what is a good housing environment for dogs. Space, exercise, and enrichment have been the subject of previous studies. The major differences in behavior occurred, however, not with increase in size but with either social or environmental enrichment.

Hubrecht (1995) compared groups of dogs living in pens of 700 m² or 7 m². There were few differences in the main behavior classifications of active or inactive, but there were more repetitive behaviors in the larger pens. Larger pens resulted in more trotting and running. Hughes and Campbell (1989) studied beagles in cages measuring 12 m × 1 m or 1 m × 2 m and found that the dogs in the smaller cages traveled five times farther than those in the larger cages and were more ac-

- Mench, J. A., & Mason, G. J. (1997). Behavior. In M. C. Appleby & B. O. Hughes (Eds.), *Animal welfare* (pp. 127-141). New York: CAB.
- Newton, W. M. (1972). An evaluation of the effect of various degrees of long-term confinement on adult beagle dogs. *Laboratory Animal Science*, 22, 860-864.
- Redbo, I. (1993). Stereotypies and cortisol secretion in heifers subjected to tethering. *Applied Animal Behaviour Science*, 38, 213-225.

Yvonne Nanasi

House Criminal Justice Committee
January 20, 2010
HB 1639: Dog Tethering Requirements

Submitted by Yvonne Nanasi, Legislative Consultant, Dog Owners of the Granite State

Dog Owners of the Granite State (DOGS) is an American Kennel Club affiliate that advocates for dog breeders, owners, trainers, dog training clubs, kennel owners and kennel clubs in New Hampshire.

DOGS is opposed to HB 1639 and serious concerns about Section 2 of the bill. Section 2 of HB 1639 proposes a change to the NH Cruelty to Animals statute that adds the word "or". This change on the surface appears somewhat insignificant but has far reaching implications that undermine the fundamental constitutional right of due process and increase the risk for the erroneous confiscation of personal property for your constituents.

Section 2 significantly expands and creates ambiguity in the reasons under which a person's property (their animal) can be confiscated without a court order.

The current law allows a person's animal to be taken into custody when the animal is being abused or neglected in violation of paragraphs III or III-a. These paragraphs detail types or evidence of cruelty specifically as:

III. A person is guilty of a misdemeanor for a first offense, and of a class B felony for a second or subsequent offense, who:

(a) Without lawful authority negligently deprives or causes to be deprived any animal in his possession or custody necessary care, sustenance or shelter;

(b) Negligently beats, cruelly whips, tortures, mutilates or in any other manner mistreats or causes to be mistreated any animal;

(c) Negligently overdrives, overworks, drives when overloaded, or otherwise abuses or misuses any animal intended for or used for labor;

(d) Negligently transports any animal in his possession or custody in a manner injurious to the health, safety or physical well-being of such animal;

(e) Negligently abandons any animal previously in his possession or custody by causing such animal to be left without supervision or adequate provision for its care, sustenance or shelter; or

(f) Otherwise negligently permits or causes any animal in his possession or custody to be subjected to cruelty, inhumane treatment or unnecessary suffering of any kind.

III-a. A person is guilty of a class B felony who purposely beats, cruelly whips, tortures, or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured, or mutilated.

Paragraphs III and III-a affirm what evidence or actions constitute the "probable cause" to believe that the animal is in danger and a person has committed a particular offense – in this case, animal cruelty – in order to confiscate the animal. The subsequent paragraphs of the statute prudently affirm the due process involved. Paragraph IV –a. (a),

carefully sets out in what circumstances a warrantless confiscation of an animal can be done and by whom referencing the previous sections to proscribe “probable cause” absent a judicial determination.

As proposed in Section 2 of HB 1639, adding the word “or” in paragraph IV-a.(a) removes the intent that the proscribe circumstances or actions are those meant to constitute “probable cause” for confiscation of a person’s property without a court order. The addition of “or” functions to expand what type of actions constitute clear and imminent danger beyond those enumerated paragraphs III and III-a to include violations of the shelter requirements (RSA 644:8, II-a), the new tethering requirements and any other instances when a humane society officer thinks there is, in their own judgment, probable cause of a clear and imminent danger to the animal’s health or life.

Furthermore, the humane society representative being allowed to confiscate property from the owner is not required anywhere in the statutes or regulations to have specialized training in the animal cruelty laws or meaning and implications of confiscating property. Nor do these or other officers necessarily receive training in what other actions can and must be taken to avoid what may be immediate danger to an animal before conducting a warrantless property seizure.

Court cases and decisions in other jurisdictions have found that warrantless seizure of an animal is a violation of the Fourth Amendment. Allowing such broad authority for those able to conduct warrantless seizure of animals (personal property), given the vagueness of the statute with the addition of “or” and the lack of training in the law will result in violations of the Fourth Amendment to the US Constitution.

In the 2008 Session, this issue of inserting the word “or” was discussed by the legislature in HB 1143 (relative to shelter for dogs and the authority of law enforcement officers to take abused and neglected dogs into custody). The Senate Public & Municipal Affairs Committee decided against its inclusion when debating the final version of the bill that was enacted.

In summary, we ask that you carefully consider the reasons why the addition of the word “or” as proposed in HB 1639 significantly increases the risk of erroneous confiscation of one’s personal property, and therefore, is unsuitable public policy.



Stephanie Frommer

Monadnock Humane Society

THE BEST SHELTER IS ... A HUMANE COMMUNITY

101 West Swanzey Road
PO Box 678
West Swanzey, NH 03469
603-352-9011
Fax 603-358-6095
www.monadpets.org

January 20, 2010

To the NH House Committee on Criminal Justice and Public Safety:

Good Morning. My name is Stephanie Frommer, and I am the Director of Field Services for the Monadnock Humane Society, which serves a constituency of more than 100,000 residents in Cheshire County and portions of Hillsborough and Sullivan Counties. I am a certified NH police officer, appointed by the Cheshire County Sheriff as a Special Deputy charged with investigating animal cruelty. I am here today to ask for your support of HB 1639, an act relative to the tethering of dogs.

This bill is an important step in improving the lives of companion dogs throughout the state of New Hampshire. Current law outlines important requirements for shelter for outdoor dogs, but does not provide guidelines for how dogs are confined to those shelters. It is perfectly legal to chain a dog to a doghouse, 24 hours per day, 365 days per year for the entirety of the dog's life. I will agree that for many dogs, spending at least part of each day on a reasonable tie-out with access to suitable shelter can be a safe and humane way to access fresh air, exercise, and relieve themselves. However, for too many dogs in our communities, it is a way of life, a form of life-long solitary confinement.

Dogs are by nature social animals, a fact crucial to their domestication. Humans quickly learned dogs' usefulness as protectors, fellow hunters, beasts of burden, and of course, companions. Dogs' willingness to participate in these activities has for centuries depended upon their need to be part of a "pack"; whether that pack is comprised of humans or dogs or both is often unimportant. Dogs simply need companionship. Unfortunately, too many dogs in our communities are deprived of that most basic need because they are considered "just dogs", relegated to lonely lives on short chains.

Dogs who are tethered constantly are not just lonely, as if that is not unfortunate enough. Recall that dogs evolved in large part because of their utility as working animals, and thus usually need something to do to keep their minds and bodies occupied and healthy. Tethered dogs can become bored, resorting to endless barking, digging, and other repetitive behaviors that serve as an outlet for their physical and mental energy while creating a nuisance in their neighborhoods. Further, constant chaining can create boundary frustration in dogs, which can result in severe aggression and lead to dangerous attacks on people and other animals. Finally, tethered dogs are essentially sitting ducks to larger predators and free-roaming animals, and have no way of escaping beings that would do them harm.

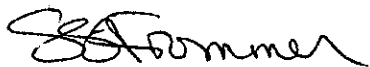
HB 1639 is a sensible addition to the anti-cruelty statute that officially elevates the status of New Hampshire's companion dogs while still affording dog owners the option of safely and humanely providing their pets with access to the outdoors. It simply provides those of us charged with protecting the state's companion animals with the tool to intervene before too much damage is done to a dog's physical and emotional health.

Allow me to describe a recent case of mine that I believe illustrates how our current statute falls short for many dogs: Bailey is an incredibly sweet, affectionate, 9 year-old Bloodhound who had lived her entire life chained to a doghouse. Several of her owner's neighbors had complained to local animal control repeatedly because the dog was obviously lonely and bayed almost constantly. Her owner would frequently leave for days at a time, leaving a friend in charge of giving her food or fresh water once a day. On the few occasions that Bailey's chain or collar broke, she would run immediately to a neighbor's home where she knew she could get some ear scratches and tummy rubs before being returned home. During the worst winter storms and summer heat waves, Bailey was left on her chain, outside, while her owner enjoyed the comforts of the indoors with the companionship of family. I was called when neighbors noticed a large untreated growth on Bailey's foot. Ironically, that tumor was Bailey's ticket to a better life. Until then, Bailey's owner had followed the letter of the law by providing shelter, food, and water. He could not be compelled to do more for her until she presented with an untreated, obviously painful and potentially life-threatening injury. At that point, he opted to surrender the dog to me rather than pay for veterinary care. In his eyes, she was "just a dog".

Bailey's story has a happy ending; the tumor on her foot was successfully removed, she has a new owner who adores and spoils her, and she shares her home with six other equally adored and spoiled dogs. But too many of New Hampshire's dogs never have the second chance Bailey got, never got a first chance to be companions. On behalf of those dogs, I urge you to support this bill.

Thank you for your time and consideration.

Respectfully Submitted,



Stephanie S. Frommer
Director of Field Services

Britain Hill

HB 1639

My name is Britain Hill, and I share my life with 2 dogs, an Akita and Chinook. We live in Frankestown and I own my business as a freelance photographer. I am a recreational musher and have studied the evolution of the canine for over 20 years. I belong to NH Musers Association, the Chinook Owners Association, the Akita Club of America, the Sqaukheag Akita Club, as well as a regular contributor of ~~fiscal~~^{money's} and DNA to genetic research at specific Universities. I also give to the rescue and fostering of these breeds. I have had several dogs during my life with my family and alone.

I would simply like to read the 4th amendment to remind us all of the Constitution which is being increasingly ignored in present times.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Thank you,

Britain Hill

Frankestown

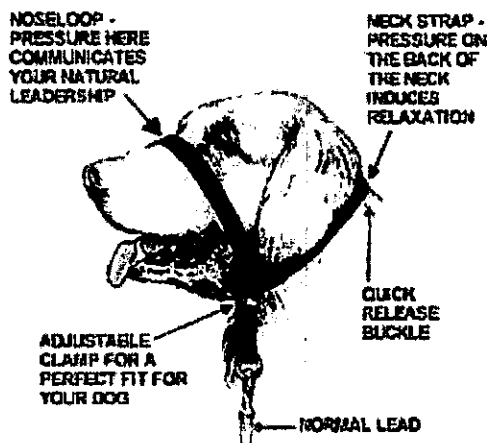
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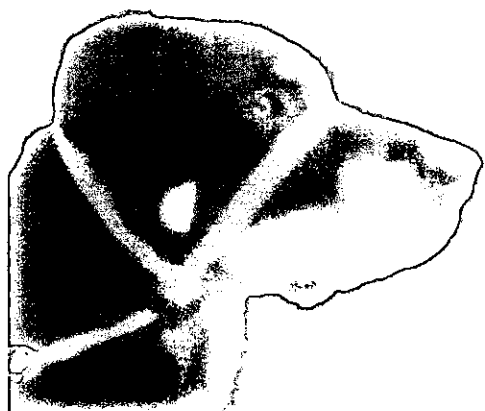
Nancy Holmes

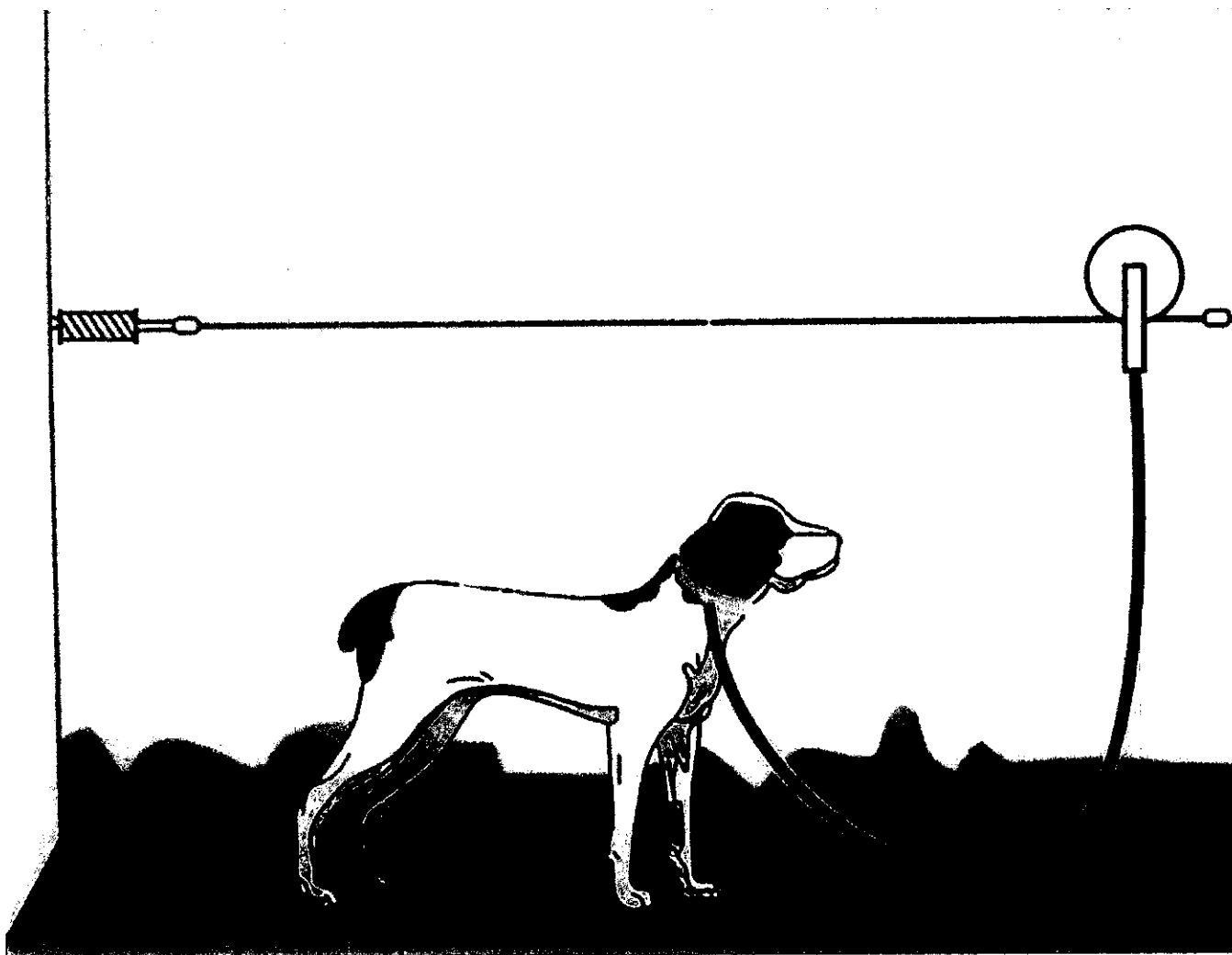






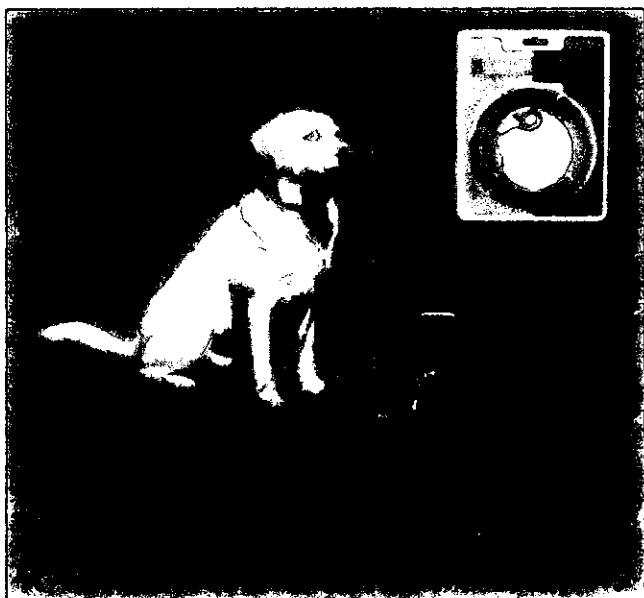








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JANICE SPARHAWK GARDNER
165 Dover Point Road
Dover, New Hampshire 03820-4611
603-742-0205
Messages at 603-740-4141

January 19, 2010

Re: HB 1639

Members of the House Criminal Justice Committee
Good Morning,

I ask that you vote this bill, HB1639, relative to Tethering Requirements and Warrantless Seizures, Inexpedient to Legislate and report it as such to the entire House on the Consent Calendar.

I was the founder and president of the original Dog Organization of the Granite State, back in 1972 and through 1992. DOGS then was a federation that included representatives from all of the state's kennel and training clubs, hunters, veterinarians, pet owners, Animal Control Officers and licensed shelters. During that time we worked to revise all of our state's statutes that touched on the ownership, breeding, training, keeping, care and sale of dogs and cats. The resulting statutes have stood us in good stead for over twenty years. New Hampshire still has the best animal laws in the country; our laws are fair, non-discriminatory and enforceable. If HB1639 were to become law, this would no longer be true.

I am proud to state that I was a breeder of healthy, beautiful and intelligent dogs for over 45 years. I represent my kennel club at the American Kennel Club and am approved to judge at AKC dog shows.

Tethering any animal without adequate food, water and shelter is a violation of our current cruelty and neglect laws, regardless of the amount of time the animal is tethered. There are circumstances, however, when tethering can be an appropriate means of confining an animal to its owner's property. Many low-income people would be proscribed from dog ownership without the option of tethering the dog for periods during the day. Many people simply cannot afford fencing, and state law (RSA 466:30a) requires that dogs be prevented from roaming at large. Dogs must remain on their owner's property, unless accompanied by and under the control of their owner.

My primary concern about HB 1639 is that it would remove my constitutionally-protected rights to own and enjoy my property. My understanding of law is that no enforcement person can enter or seize my property without the formality of a warrant. HB1639 would eliminate that protection. It also puts an enforcement person in the unenviable position of having to make medical decisions best left to a licensed

veterinarian. I am told that when the situation demands, a warrant can be obtained during hours when courthouses may be closed, any hour of any day.

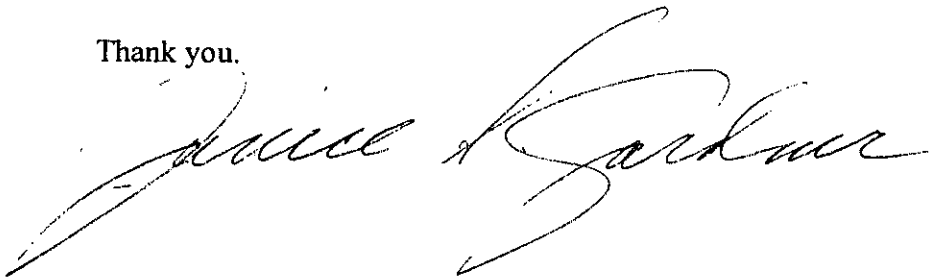
If this committee should decide to accept the proposals found in HB1639, then certain changes must be made in order to protect the animals seized, and their potentially innocent owners. The way this bill reads, any enforcement person, ACO or employee of a shelter (even one with no facility) may enter my premises, seize and take away my property, providing only that a note be left for me, indicating when and by whom the animals were taken, what statute it is alleged I have violated and what I must do to reclaim my animals.

I suggest that certain additional provisions must be incorporated in this bill if it is passed from this committee. The person or organization responsible for taking possession of my animals should be held liable for their care, both maintenance and medical. If I am found innocent in court of the charges alleged against me, the person or organization that seized my property should be held liable for my costs in defending myself in court, and for any medical or other costs for the care of my animal(s) that resulted from their taking of said animal(s). No releases can be made to the media until I have been found guilty in a court of law. If charges are to be filed against me as the owner of the animal(s), those charges should be filed within 24 hours of the taking. As the animal's owner, I should be informed immediately when the animal(s) are taken of their location and who will care for them. Under no circumstances shall any taken animal be neutered or transferred or disposed of in any way without the express advance written consent of me, as their owner.

Our system of law requires that a warrant be issued before any child or person can be removed from a situation of cruelty or neglect. I submit that we must follow the same precept when helping our animals.

Once you have allowed warrantless entry for this cause, you have dramatically weakened the right of any of us to own our animals. Perhaps you believe that humans should never own non-human animals. You are welcome to that belief, as long as it does not become part of our system of laws. Without the right to own property, we have no protection, and neither do our animals. Their primary protection comes naturally from the fact that they are our property, and that we still have a constitutionally guaranteed right to property. I ask that you not void this century-long constitutional right by passing HB 1639

Thank you.

A handwritten signature in cursive script, appearing to read "Bruce Gardner". The signature is written in black ink and is positioned below the typed text "Thank you."

Elin Phinizy
227 Black North Road
Acworth, NH 03601
603.835.2852

January 20, 2010

House Criminal Justice and Public Safety Committee

Re: Opposition to HB 1639

Mr Chairman and Members of the Committee,

My husband and I have raised Scottish Deerhounds for 40 years. I am a former member of the Governor's Commission on the Humane Treatment of Animals; a former president, board member and show chairman of the Cheshire Kennel Club of Keene, N.H.; and a former board member and specialty chairman of the Scottish Deerhound Club of America. I founded the S.D.C.A. Rescue and Placement Committee in the 1980s. My husband is a former member of the Board of Directors of the American Kennel Club, a former AKC Delegate for over 25 years, and a licensed dog show judge and has judged in both this country and Great Britain.

I oppose HB 1639 for several reasons. The first is the simplest – there is nothing inherently wrong with either a dog being tethered nor with a dog living outside full-time. In fact, it can be dangerous to a dog's health to spend half a day outside and the other half inside in a heated house in the winter. Dogs that live outside are acclimatized to the cooler temperatures and uncomfortable when brought inside. Tethering is an accepted form of restraint for a dog. N.H. Agriculture rules 1702 specifically allow for tethering to be used as a method of containment for dogs kept by animal shelters and commercial breeders. Indeed, the Potter League in Rhode Island, a well-respected shelter, used it for a dog we adopted from them. While they had him, Cassidy lived outside tethered to a dog house.

More importantly, I oppose HB 1639 because of the specificity of its requirements. None of the other requirements of RSA 644:8 are this specific. Shelter is described as “*any natural or artificial area which provides protection from the direct sunlight and adequate air circulation when that sunlight is likely to cause heat exhaustion of a dog tied or caged outside. Shelter from the weather shall allow the dog to remain clean and dry. Shelter shall be structurally sound and have an area within to afford the dog the ability to stand up, turn around and lie down, and be of proportionate size as to allow the natural body heat of the dog to be retained.*” HB 1639 creates artificial standards that may not be appropriate for specific breeds or dog owners' situations. For example, if I were to tether one of my dogs, this bill would require me to have a tether 34' long without regard to the size of my yard. We have a dog that easily clears 6' fences and, if we lived in more populated area, a tether would be necessary for her safety.

Finally, I am concerned with the second section of HB1639 and ask that the entire second section of the bill be eliminated and RSA 644:8, IV-a(a) be left as it is now.

RSA 644:8, IV-a(a), as it is currently written, has worked well and there is no need to change it. If there is no immediate danger to the animal's health or life, then there is no need for temporary protective custody of the animal, and normal legal channels can, and should, be followed including getting a court order to seize the animals. With the addition of just one word, "or" HB1639 makes major changes to RSA 644:8, IV-a(a).

At present, there are several criteria that have to be met before an officer may take an animal into temporary protective custody without a court order.

- The officer has probable cause to believe that the animal has been abused or neglected.
- There must be a clear and imminent danger to the animal's health or life.
- Immediate intervention is necessary to save the animal. The delay caused by getting a court order would threaten an animal's health or life.

If these conditions are not met, a court order must be obtained before a dog or cat is taken into custody.

By adding the word "*or*" in front of "*imminent danger*," officers or humane societies will be allowed to take an animal, that is not in immediate danger, without getting a court order. The person taking the animal would be allowed to set the terms of how the owner can recover the animal and, if charges are not filed, then the owner would have no recourse to the courts.

Unfortunately, there are no training requirements for animal control officers or humane societies officers. In order to become a licensed humane society in New Hampshire, all that is necessary is non-profit status, zoning approval and a facilities inspection by the Department of Agriculture. Because of the recent popularity of rescuing dogs from the South, the numbers of licensed humane societies in New Hampshire has grown to over 70. HB 1639 would give any one of them the right to take a dog that they *believed* to be abused leaving the owner with no recourse.

Please vote HB 1639 inexpedient to legislate. It is bad law.



Elin C.M. Phinizy



ANIMAL RESCUE LEAGUE OF NEW HAMPSHIRE

545 Route 101 • Bedford, NH 03110
603-472-3647 (DOGS) • Fax 603-471-9036
Website: www.rescueleague.org

January 20th, 2010

My name is Maureen Prendergast and I am the Animal Cruelty Investigator/Community Outreach coordinator for the Animal Rescue League of NH. I am also the League's obedience instructor.

On behalf of the Animal Rescue League of NH, I am presenting this testimony on behalf of our support of HB 1639, relative to the tethering of dogs.

I am here today to ask that you pass HB 1639 not only for the benefit of the dogs in NH that are being inhumanely treated, and are allowed to suffer both physically and mentally, but also for the benefit of NH's citizens who are put at a significantly increased risk for dog bites due to excessively tethered dogs.

By nature dogs are social creatures who often seek the attention of humans and/or other animals. By allowing dogs to be tethered for long periods of time, essentially isolated from these sources, we are subjecting them to mental, and emotional suffering. Not to mention the obvious physical suffering that may come as a result of excessive tethering.

It is important to keep in mind that HB 1639 is not a ban on tethering all together, but rather an aid to protect the dogs that are most at risk for the above mentioned casualties. Dogs that are tethered repeatedly and for long amounts of time are often times more agitated and aggressive and more likely to bite those (humans) that approach them as they become not only territorial, which I understand can happen in other less extreme situations, but these dogs suffer the inability to avoid (aka flee) an approaching human and therefore more likely to bite (aka fight). This is a well recognized fight or flight response.

Recognizing that HB 1639 isn't looking to take away the rights of dog owners in NH, it isn't banning the ability for owners to have their dogs tethered in their back yard during the day or night at all, but rather it is putting in a place a measure in which local police, animal control officers, or humane investigators may intervene on behalf of a dog or dogs, that are being tethered excessively and in less than standard, and necessary humane conditions.

While not all dogs that live indoors, and are exercised with their owners on lead, end up being well adjusted and social, it is significantly more likely that dogs who are tethered day after day for hours at a time will not only be mal-adjusted, under-socialized, over-reactive and aggressive towards both other animals and humans, but that they are also being repeatedly put in a situation where they become a public health and safety risk.

While I personally would like to see fewer than 14 cumulative hours per day, for the tethering standard, I am asking for you to pass HB 1639 as it is before you today to help us in the field of animal protection and law enforcement be better equipped to serve the most at risk dog/s that we encounter in our day to day jobs.

Thank you for your time and attention today.

Sincerely,


Maureen Prendergast

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME

SIGNATURE

TOWN

Marianne Page Marianne Page Derry, NH

Karin Souza Karin Souza Manchester NH

Mark Landry Mark Landry Concord, NH

Laura Ingomar Laura Ingomar Concord NH

ARTELLA ELLIS Arta Lynn Ellis Concord NH

Linda Wilson Linda Ray Wilson So. DASH Danbury NH

Catherine Bourne Catherine H. Bourne Gilford, NH

Linda Heath Linda L. Heath Loudon, NH

Marsha Neubert Marsha Neubert Manchester NH

FLORENCE LEMARIE Florence LeMaire Manchester N.H.

Ann Hinckley Ann Hinckley Manchester NH

Mary Lou Hyvonen Mary Lou Hyvonen Auburn, NH

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME

SIGNATURE

TOWN

Denise Bernier Denise Bernier Raymond NH

Mary A. Smith Mary A. Smith Henniker, N.H.

PAMELA A. GAGNON Pamela A. Gagnon Manchester

Frances L Johnson FRANCES L. JOHNSON Meredith, N. H.

Jillien Klok Jill Klok Manchester, NH

~~Susan Thompson Susan Thompson Manchester~~

Bess Smith Bess Smith Manchester

Jill Pelletier Jill Pelletier Concord, NH

Gloria St. Pierre Gloria St. Pierre Manchester, N.H.

Carol Horton Carol Horton Hollis, N.H.

Maryln Kasatra Maryln Kasatra Hollis NH

SUSAN THOMPSON Susan Thompson MANCHESTER, NH

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME	SIGNATURE	TOWN
Mary Grohasky	Mary Grohasky	Concord
Wendy Burke	Wendy Burke	London
Richard SPAD	WJ	NEW HAMPTON
Diana A Raymond	Diana A Raymond	Canterbury
Stephanie Gagne	Stephanie Gagne	Derry, NH
Guybaine Harris	Guybaine Harris	Derry, NH
Janice Plourde	Janice Plourde	Pembroke NH
Melissa Smith	Melissa Smith	Pembroke NH
Karen Pappas	Mrs Pappas	Mrs Pappas
Kathy Perce	Kathy Perce	Albany, NH
Thomas Perce	Thomas Perce	Albany, NH
Ginny Smith	Virginia Smith	Manchester, NH

We, the undersigned New Hampshire Residents, support LSR 2010-H-2379-L , sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for tethering of dogs).

PRINTED NAME	SIGNATURE	TOWN
KAREN Raymond	Karen Raymond	Manchester
Doris Hood	Doris Hood	Manchester
Wanda Bessie	Wanda Bessie	Manchester
Guyline Harris	Guyline Harris	Derry
Stephanie Gagne	Stephanie Gagne	Derry
Linda Raymond	Linda Raymond	Manchester
Wanda Bessie	Wanda Bessie	Manchester
CLAIRE Lesnyk	Claire Lesnyk	MANCH.
Meluba Harmon	Meluba Harmon	Manchester
Leah Raymond	Leah Raymond	Manchester
GAY Raymond	GAY Raymond	Manchester
Linda Snow	Linda Snow	Derry

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME	SIGNATURE	TOWN
HENRY Mc AMIRAND	Henry Mc Amirand	DERRY, NH
Ellen Schofield	Ellen Schofield	Pelham NH
Tanya Barlow	Tanya Barlow	Kingston, NH
Rebecca Barlow	Rebecca Barlow	Kingston NH
Melissa Lyons	Melissa Lyons	Kingston, NH
Kevin FEDERICO	Kevin Federico	MILFORD NH.
David Murphy	David Murphy	Atkinson NH
Ellyn Murphy	Ellyn Murphy	Atkinson NH
Diane Parks	Diane Parks	Derry, NH
Christa van der Smiszen	Christa van der Smiszen	Danville, NH
Patsy D. Beaver	Patsy D. Beaver	Danville, NH
Joanne Magnan	Joanne Magnan	Derry, N.H.

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME	SIGNATURE	TOWN
CHARLES BRAGG	Charles Bragg	Kimpton NH
DONNA BRADY	Donna Brady	Pelham NH
Cathy Geister	Cathy Geister	Pelham NH
David McFedda	David McFedda	Derry NH
Mark Jacobson	Mark Jacobson	Rosern N.H.
Patricia Jacobson PATRICIA JACOBSON	Patricia Jacobson	Auburn NH
Ken Keefe Tr	Ken Keefe	Windham NH
KRISTIN PRAGETTE	Kristin Pragnette	- Hudson NH -
Stacia Camire	101 Giles Rd.,	E. Kingston NH
SHEREE THYNE	Sheree Thyne	Pelham NH
DENISE DUFF	Denise Duff	Pelham NH
Karen Naimo	Karen Naimo	Derry NH

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME	SIGNATURE	TOWN
Ramona L. Flynn	Ramona L. Flynn	NASHUA, NH
Margaret Radziewicz	Margaret Radziewicz	Nashua, NH
Deborah A Currier	Deborah A Currier	Londonderry NH
Debbie Watkins	Debbie Watkins	Manchester, NH
SUE HAFEMAN	Sue Hafeman	Manchester N.H.
MARIE INGALLS	Marie Ingalls	Hooksett, N.H.
Aline Cote	Aline Cote	Hooksett, N.H.
Lori Miles	Loraine Miles	Auburn, N.H.
Lynne Howard	Lynne Howard	Auburn NH

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME

SIGNATURE

TOWN

Christine Leachman-Yee
Luis Carmody

Christine Leachman-Yee

N. Sandwich, NH

Mrs Carmody

Mrs Carmody

N. Sandwich NH.

Frances M. Hammond

Frances M. Hammond

Tamworth, N. H.

William L. Dunn

William L. Dunn

N. Sandwich NH,

Douglas F. Wyman, Jr.

Douglas F. Wyman, Jr.

Moultonborough

Leland Yee

Leland Yee

N. Sandwich, NH

#18 1039 From: Rep. Kepner

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME

SIGNATURE

TOWN

Heidi Bergeron

Heidi A. Bergeron

Manchester, NH

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME	SIGNATURE	TOWN
MARCEL VOISINE	Marcel Voisine	Milam
JOHN GILVE	John Gilve	BERLIN
SCOTT PIKE	Scott Pike	Gorham
MICHAEL BELANGER	Michael Belanger	BERLIN
Alex Kluchnick	Alex Kluchnick	Gorham N.H.
DONALD ARGUIN	Donald Arguin	RANDOLPH N.H.
ROBERT THERRIAULT	Robert Theriault	MILAN N.H.
Arthur Canon	Arthur Canon	Milam N.H.
LAWRENCE LEIGHTON	Lawrence Leighton	Gorham, N.H.
Michael Horne	Michael Horne	Berlin NH
STEWART WHITE	Stewart White	BERLIN N.H.
RON GIRARD	Ron Girard	Milam, N.H.
David Alonzo	David Alonzo	Berlin NH

NH Representative Susan Kepner of Hampton has introduced legislation for 2010 to set humane standards for dog tethering (LSR 2010-H-2379-L) and humane standards for breeders (LSR 2010-H-2201-R). Right now these bills are being printed at the state printer, then they will be assigned a bill number, then they will be sent to one of the standing Committees in the NH House of Representatives for a public hearing. This is the first critical step in the legislative process.

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME

SIGNATURE

TOWN

RICHARD FIRROD Richard Firrod Berlin

LARRY BOUCHER Larry Boucher Berlin N.H.

Robert Petres R. Pet Berlin NH

Alan Judson Alan Judson Berlin N.H.

Michael Tardiff Michael Tardiff Berlin N.H.

Kimberly Tardiff Kimberly Tardiff Berlin N.H.

Dennis Bilodeau Dennis Bilodeau Berlin NH

Deborah DeGreenia Deborah DeGreenia Berlin NH

Leo Fontaine Leo Fontaine Berlin N.H.

Robert Coulombe Robert Coulombe Berlin N.H.

Robert Arsenault Robert Arsenault Berlin N.H.

NH Representative Susan Kepner of Hampton has introduced legislation for 2010 to set humane standards for dog tethering (LSR 2010-H-2379-L) and humane standards for breeders (LSR 2010-H-2201-R). Right now these bills are being printed at the state printer, then they will be assigned a bill number, then they will be sent to one of the standing Committees in the NH House of Representatives for a public hearing. This is the first critical step in the legislative process.

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME

SIGNATURE

TOWN

Rodney DeGreenia & Rebecca DeGreenia Gorham

Leo Carrier Leo Carrier Gorham

David Donato David Donato Berlin

Steven Gagnon Steven Gagnon Milan

Robert Sarschlagier Robert Sarschlagier Berlin

Steve Mooney Steve Mooney Milan

Emile Buteau Emile Buteau Berlin

ARMAND DUPONT Armand Dupont Berlin

GARY LAROCHE Gary Laroché Berlin

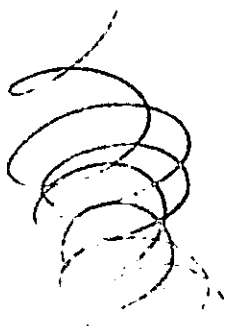
PAUL DELOD Paul Delod Berlin N.H.

Normand Laessle Normand Laessle Gorham N.H.

Gary A Voilloncourt Gary A Voilloncourt Berlin N.H.

Richard Dube Rich Dube Gorham N.H.

NH Representative Susan Kepner of Hampton has introduced legislation for 2010 to set humane standards for dog tethering (LSR 2010-H-2379-L) and humane standards for breeders (LSR 2010-H-2201-R). Right now these bills are being printed at the state printer, then they will be assigned a bill number, then they will be sent to one of the standing Committees in the NH House of Representatives for a public hearing. This is the first critical step in the legislative process.



Please sign both sheets.

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME	SIGNATURE	TOWN
Frank Wilson	Frank Wilson	North Sandwich
Deborah Wilson	Deborah Wilson	NORTH SANDWICH
CONSTANCE M CUNNINGHAM Constance Cunningham	Constance Cunningham	Sandwich
Virginia L. Heard	Virginia L. Heard	C. Sandwich
RONALD G. LAWLER	Ronald G. Lawler	Center Sandwich
Margaret Merritt	MARGARET MERRITT	Center Sandwich
Bill Benson	Bill Ben	ASHLAND, NH.
Margaret Halacy	Margaret Halacy	Concord NH
William Halacy	W. Halacy	CONCORD NH

Please sign both sheets.

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME	SIGNATURE	TOWN
Deborah Robichaud	Deborah Robichaud	CTR TUFTONBORO
John Robichaud	John Robichaud	CTR TUFTONBORO
Keith Trevor	Keith Trevor	Center HARBOR
Tina Bell	Tina Bell	Center Ossipee
Hans Klessek	Hans Klessek	Farmworth

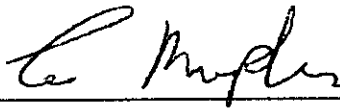
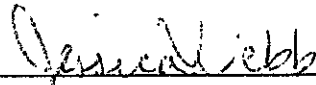
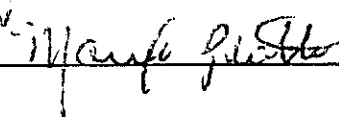
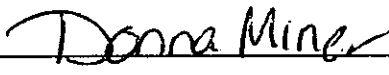

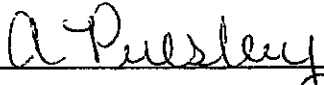

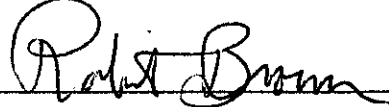

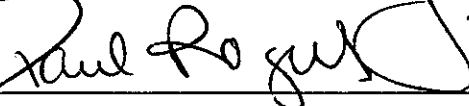


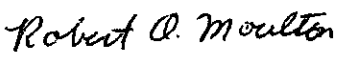
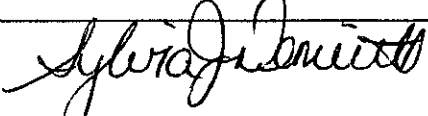
LSR-2010H-2201-R (breeding) ^{tethering}

We, the undersigned New Hampshire residents, support LSR 2010-H-2374 sponsored by Representative Susan Kepner, relative to the care and treatment of dogs by breeders (setting humane standards for dog breeders and brokers).

Print	Sign	Town
Martha A.F. Hussey Martha A.F. Hussey	Martha A.F. Hussey	Pittsfield
Syed Sadrain	Syed M Sadrain	Pittsfield
Paul Metcalf	Paul Metcalf	Pittsfield
Kath Ordway	Kath Ordway	Pittsfield
Charles Murphy	Charles Murphy	Epsom
Jen-Pond Currier	Jen Pond Currier	Epsom
Tom Chayer	Tom Chayer	Pittsfield
Mary Chayer	Mary Chayer	Pittsfield, NH
Kerith Griggs	Kerith Griggs	Pittsfield, NH
Lucia Metcalf	Lucia Metcalf	Pittsfield, NH
Paula Ingle	Paula Ingle	Pittsfield
Stacy Osborne	Stacy Osborne	Epsom, NH
Richard Davis	Richard Davis	Epsom
Lawrence Konopka	Lawrence Konopka	Pittsfield, NH

LSR 2010-H-2379-L (breeding)

We, the undersigned New Hampshire residents, support LSR 2010-H-2379-L sponsored by Representative Susan Kepner, relative to the tethering of dogs (setting humane standards for the tethering of dogs).

PRINTED NAME	SIGNATURE	TOWN
Lisa Murphy		Belmont
Jessica Webb		Barnstead
Margine Pratte		Barnstead
Donna Miner		Barnstead
ERIN WEBBER		Pittsfield
Alicia Presbrey		Pittsfield
Gretchen Clark		Barnstead
Robert Brown		Pittsfield
Barbara Parker		Pittsfield
Paul Rogers		Pittsfield
Bob Hardy		Pittsfield
PATRICK BYERS		Chichester
ROBERT O. MOULTON		Pittsfield, NH
Sylvia J. Demeritt		Exeter N.H.

(breeding)
LSR 2010-H-2379-L (fostering)

We, the undersigned New Hampshire residents, support LSR 2010-H-2201-R, sponsored by Representative Susan Kepner, relative to the care and treatment of dogs by breeders (setting humane standards for dog breeders and brokers).

PRINTED NAME	SIGNATURE	TOWN
Cathy O'Connor	Cathy O'Connor	Belmont
Diane Carr	Diane Carr	Northwood
Jason Carter	Jason Carter	Epsom
Shirley Mathison	Shirley Mathison	Colebrook
Ronald Foster	Ronald Foster	Pittsfield
CHRIS BERRY	Chris Berry	BRASTEAR
Peggy Brown	Peggy Brooks	Pittsfield
Peter Dine	Peter Dine	Pittsfield
Ruben Leavitt	Ruben Leavitt	Pittsfield
Margaret Wetherbee	Margaret Wetherbee	Pittsfield
Fred Okrent	F. Okrent	Pittsfield
Heather Brown	Heather Brown	Pittsfield
Ed Cantara	Ed Cantara	Pittsfield

We, the undersigned New Hampshire residents, support LSR 2010-H-2201-R, sponsored by Representative Susan Kepner, relative to the care and treatment of dogs by breeders (setting humane standards for dog breeders and brokers).

PRINTED NAME	SIGNATURE	TOWN
Anne Taylor	Anne Taylor	Epsom
John Wilbur	[Signature]	Bell
Debra Gauthier	Debra Gauthier	Pittsfield
Jay DARRALL	[Signature]	Pittsfield
Clint CASSAVALLO	[Signature]	Concord
Meggin Dail	Meggin Dail	Epsom
Jeff Cain	[Signature]	Concord
Joe DiGiacomo	[Signature]	Worcester
Hedi Fisher	Hedi Fisher	Pittsfield
Tracey Dickey	Tracey Dickey	Epsom
Jennifer Reckmeyer	Jen Reckmeyer	Rochester
John Reckmeyer	John Reckmeyer	Rochester
Rob Wentworth	R. Wentworth	Epsom

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1639-FN-L

BILL TITLE: relative to the tethering of dogs.

DATE: February 11, 2010

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Larry G. Gagne

Seconded by Rep. Moe Villeneuve

Vote: 13-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

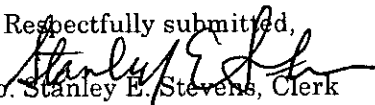
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1639-FN-L

BILL TITLE: relative to the tethering of dogs.

DATE: 2-11-10

LOB ROOM: 204

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Hagme*

Seconded by Rep. *Villeneuve*

Vote: *13-2* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

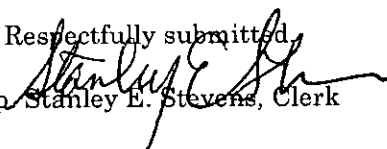
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

Committee Report

REGULAR CALENDAR

March 3, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB1639-FN-L,

AN ACT relative to the tethering of dogs. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Larry G Gagne

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB1639-FN-L
Title:	relative to the tethering of dogs.
Date:	February 11, 2010
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would amend RSA 644:8, III to add as a separate category of cruelty to animals the tethering of a dog for more than fourteen cumulative hours in a twenty-four hour period. It also would contain requirements for a proper tether which the majority felt was unduly intrusive. We also felt that the current statutes are adequate at this time because this bill, if enacted, would punish all animal owners, including mushers rather than the occasional animal abuser.

Vote 13-2.

Rep. Larry G Gagne
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB1639-FN-L, relative to the tethering of dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G Gagne for CRIMINAL JUSTICE AND PUBLIC SAFETY. This bill would amend RSA 644:8, III to add as a separate category of cruelty to animals the tethering of a dog for more than fourteen cumulative hours in a twenty-four hour period. It also would contain requirements for a proper tether which the majority felt was unduly intrusive. We also felt that the current statutes are adequate at this time because this bill, if enacted, would punish all animal owners, including mushers rather than the occasional animal abuser. **Vote 13-2.**

Original: House Clerk
Cc: Committee Bill File

HB 1639-FN-L relative to the tethering of dogs.

This bill would amend RSA 644:8, III to add as a separate category of cruelty to animals the tethering of a dog for more than fourteen cumulative hours in a twenty-four hour period. It also would contain requirements for a proper tether which the majority felt was unduly intrusive. We also felt that the current statutes are adequate at this time because this bill, if enacted, would punish all animal owners, including mushers rather than the occasional animal abuser.

**Rep. Larry G. Gagne
For the Committee
13-2 ITL RC**

Handwritten initials "S/S" enclosed in a hand-drawn circle.

COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: HB1639-FN-L

TITLE: Relative to the tethering of dogs.

DATE: 2-11-10 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

This bill would amend RSA 644.8, III to add as a separate category of cruelty to animals the tethering of a dog for more than fourteen cumulative hours in a twenty-four hour period. It also would contain requirements for a proper tether which the majority felt was unduly intrusive. We also felt that the current statutes are adequate at this time because this bill, if enacted, would punish all animal owners including misters rather than the occasional animal ~~abuser~~ abuser.

(88)

COMMITTEE VOTE: 13 - 2

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Larry Rogers
For the Committee