

Bill as Introduced

HB 361 - AS INTRODUCED

2019 SESSION

19-0820
05/01

HOUSE BILL

361

AN ACT

relative to property settlement including animals.

SPONSORS:

Rep. DeSimone, Rock. 14

COMMITTEE:

Children and Family Law

ANALYSIS

This bill includes animals as tangible property in a divorce settlement.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Nineteen

AN ACT relative to property settlement including animals.

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

1 1 New Paragraph; Annulment, Divorce and Separation; Property Settlement; Animals. Amend
2 RSA 458:16-a by inserting after paragraph II the following new paragraph:

3 II-a. Tangible property shall include animals. In such cases, the property settlement shall
4 address the care and ownership of the parties' animals, taking into consideration the animals'
5 wellbeing.

6 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 130
HB 361 - FINAL VERSION

2019 SESSION

19-0820
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CHAPTER 130
HB 361 - FINAL VERSION

19-0820
05/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to property settlement including animals.

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

1 130:1 New Paragraph; Annulment, Divorce and Separation; Property Settlement; Animals.

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4 address the care and ownership of the parties' animals, taking into consideration the animals'
5 wellbeing.

130:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 25, 2019

Effective Date: August 24, 2019

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Martha Hennessey, Chair
Sen Shannon Chandley, Vice Chair
Sen Melanie Levesque, Member
Sen Sharon Carson, Member
Sen Harold French, Member

Date: May 2, 2019

HEARINGS

Thursday	05/09/2019	
(Day)	(Date)	
Judiciary	SH 100	10:00 a.m.
(Name of Committee)	(Place)	(Time)
10:00 a.m.	HB 605-FN	relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting.
10:40 a.m.	HB 361	relative to property settlement including animals.
11:00 a.m.	HB 260	relative to the purging of motor vehicle violations.
11:20 a.m.	HB 630-FN	increasing certain fines for OHRV and snowmobile operation violations.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 605-FN

Rep. Rogers
Rep. Schultz

Rep. Horrigan
Rep. Marsh

Rep. Burroughs
Rep. Baldasaro

Rep. Read
Sen. Bradley

HB 361

Rep. DeSimone

HB 260

Rep. Sykes

HB 630-FN

Rep. Moynihan

Rep. L'Heureux

Jennifer Horgan 271-2609

Martha S. Hennessey
Chairman

Senate Judiciary Committee
Jennifer Horgan 271-2609

HB 361, relative to property settlement including animals.

Hearing Date: May 9, 2019

Time Opened: 11:00 a.m.

Time Closed: 11:15 a.m.

Members of the Committee Present: Senators Hennessey, Chandley and Levesque

Members of the Committee Absent : Senators Carson and French

Bill Analysis: This bill includes animals as tangible property in a divorce settlement.

Sponsors:
Rep. DeSimone

Who supports the bill: Representative DeSimone; Jay Markell; Julia Seeley, The Humane Society of the United States

Who opposes the bill: None

Summary of testimony presented in support:

Representative DeSimone

- We are in a society where many couples have four legged children.
- Alaska and Illinois are the only states that have something similar to this.
- Shared a story where two parties divorced, and animals were involved. One of the animals had cancer and the two parties were both paying the medical bills and agreed to visitation. The owner with visitation did not want to pay the medical bills and took the dog to be put down without speaking with the other party.
- Another instance occurred where two parties each kept two dogs a piece. One of the dogs had problems walking and the owner that had custody said they didn't have time to care for the animal. The other party took the dog.
- There are no laws currently that consider the animals care and wellbeing.

Jay Markell

- This bill mimics the Alaska law, which was the first to recognize that animals are sentient beings.
- Under NH law an animal is considered the same as an end table.
- The courts need further guidance on this.
- Is directing this towards pets because they can be weaponized in a divorce or child custody proceedings.

- The dog's loss of a human is real, and a person's loss of a pet is real.
- There are approximately 27-28 statutes in NH law that deal with animals.
- The only thing that comes close to addressing this is RSA 173-B which is the domestic violence statute on animal cruelty.
- There is no companion statute to deal with this in the marital/civil context.
- This is broadly crafted for the courts to use discretion.
- This has worked well in Alaska.
- The Humane Society testified in the House that this is good language.
- California has also jumped on board with a bill this year.
- This does not give pets rights or treats them as humans.
- Illinois has a statute that went into effect earlier this year that is narrowly crafted to only cover service animals. Thinks this bill is a better approach.
- Senator Chandley asked why pets are not currently considered tangible property.
 - - They are considered tangible property, but nothing currently differentiates them from a chair. Does not want to elevate animal rights to another level because they are property, but this recognizes their welfare.
- Senator Chandley asked if the important part of the bill is that the animal's care in ownership should be taken into consideration during these proceedings.
 - Their 'wellbeing' should be considered which is necessarily broad to give the courts discretion with some needed guidance.

Summary of testimony presented in opposition:

None

jch

Date Hearing Report completed: May 9, 2019

Speakers

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # HB 361

Hearing date: _____

Executive session date: _____

Motion of: OT P

VOTE: 3-1 (French)

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input checked="" type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input checked="" type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hennessey, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chandley, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Carson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Levesque	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Thursday, May 9, 2019

THE COMMITTEE ON Judiciary

to which was referred **HB 361**

AN ACT relative to property settlement including animals.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 3-1

Senator Shannon Chandley
For the Committee

Jennifer Horgan 271-2609

JUDICIARY

HB 361, relative to property settlement including animals.

Ought to Pass, Vote 3-1.

Senator Shannon Chandley for the committee.

Docket of HB361

Docket Abbreviations

Bill Title: relative to property settlement including animals.*Official Docket of HB361.:*

Date	Body	Description
12/31/2018	H	Introduced 01/02/2019 and referred to Children and Family Law HJ 2 P. 46
1/16/2019	H	Public Hearing: 01/22/2019 01:45 pm LOB 206
1/23/2019	H	Executive Session: 01/29/2019 01:00 pm LOB 206
1/30/2019	H	Committee Report: Ought to Pass for 02/14/2019 (Vote 18-1; CC) HC 11 P. 2
2/14/2019	H	Ought to Pass: MA VV 02/14/2019 HJ 5 P. 5
3/12/2019	S	Introduced 03/07/2019 and Referred to Judiciary; SJ 8
5/2/2019	S	Hearing: 05/09/2019, Room 100, SH, 10:40 am; SC 21
5/9/2019	S	Committee Report: Ought to Pass, 05/15/2019; SC 22
5/15/2019	S	Ought to Pass: MA, VV; OT3rdg; 05/15/2019; SJ 16
5/31/2019	S	Enrolled (In recess 05/30/2019); SJ 19
5/31/2019	H	Enrolled 05/23/2019 HJ 16 P. 51
6/27/2019	H	Signed by Governor Sununu 06/25/2019; Chapter 130; Eff: 08/24/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 361

Senate Committee: Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

_____ - amendment # _____ _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

_____ as amended by the senate _____ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office jm