

Committee Report

CONSENT CALENDAR

February 4, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Fish and Game and Marine Resources to which was referred HB 529-FN,

AN ACT relative to cruelty to a wild animal, fish, or wild bird. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Jonathan Smith

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Fish and Game and Marine Resources
Bill Number:	HB 529-FN
Title:	relative to cruelty to a wild animal, fish, or wild bird.
Date:	February 4, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill creates criminal penalties for acts of purposeful or neglectful cruelty to wildlife. With this bill, Fish and Game Conservation Officers will be able to clearly and efficiently protect wildlife from acts of cruelty, while at the same time protecting the rights of individuals engaged in hunting, fishing, trapping, or nuisance animal management. The Fish and Game Department was wholly in support of the bill and believes it will be an invaluable tool for law enforcement to protect New Hampshire's wildlife.

Vote 19-1.

Rep. Jonathan Smith
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Fish and Game and Marine Resources

HB 529-FN, relative to cruelty to a wild animal, fish, or wild bird. **OUGHT TO PASS.**

Rep. Jonathan Smith for Fish and Game and Marine Resources. This bill creates criminal penalties for acts of purposeful or neglectful cruelty to wildlife. With this bill, Fish and Game Conservation Officers will be able to clearly and efficiently protect wildlife from acts of cruelty, while at the same time protecting the rights of individuals engaged in hunting, fishing, trapping, or nuisance animal management. The Fish and Game Department was wholly in support of the bill and believes it will be an invaluable tool for law enforcement to protect New Hampshire's wildlife.

Vote 19-1.

Original: House Clerk

Cc: Committee Bill File

Voting Sheets



2021 SESSION

Fish and Game and Marine Resources

Bill #: HB529 Motion: OTP AM #: _____ Exec Session Date: 2/1/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Lang, Timothy P. Chairman	1		
Khan, Aboul B. Vice Chairman	2		
Klose, John F.	3		
Spillane, James A.	4		
Howard, Raymond J.	5		
Craig, Kevin B.	6		
Love, David C.	7		
Wolf, Dan H.	8		
Kittredge, Mac		1	
Dostie, Donald	9		
Smith, Jonathan H.	10		
Harvey, Cathryn A.	11		
Laflamme, Larry L.	12		
Dontonville, Roger W.	13		
King, Mark R.	14		
Read, Ellen D. Clerk	15		
Egan, Timothy T. Jack, Martin	16		
Ruprecht, Denny M.			1
Shurtleff, Steve J.	17		
Ellis, Donna R.	18		
Oxaal, Ariel	19		



1/22/2021 10:00:16 AM
Roll Call Committee Registers
Report

2021 SESSION

Fish and Game and Marine Resources

Bill #: HB529 Motion: OTP AM #: _____ Exec Session Date: 2/1/21

TOTAL VOTE:	19	1	1
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Public Hearing

House Remote Testify

Fish and Game and Marine Resources Committee Testify List for Bill HB529 on 2021-02-01

Support: 44 Oppose: 5 Neutral: 0 Total to Testify: 5

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Read, Ellen	ellen4nh@gmail.com	An Elected Official	Myself	Support	Yes (5m)	No	1/29/2021 3:55 PM
Johnson, II, Robert	robj@nhfarmbureau.org	A Lobbyist	NH Farm Bureau Federation	Oppose	Yes (3m)	No	2/1/2021 5:28 AM
Bourbeau, Joanne	jbourbeau@humanesociety.org	A Lobbyist	The Humane Society of the United States' NH Office	Support	Yes (0m)	No	1/29/2021 1:31 PM
Horrigan, NH State Rep. Timothy	timothy.horrigan@leg.state.nh.us	An Elected Official	Strafford 6	Support	Yes (0m)	No	2/1/2021 7:43 AM
Scrofano, Gina	GScrofano@live.com	A Member of the Public	Myself	Support	Yes (0m)	No	2/1/2021 9:14 AM
Caplan, Elise	Elisegrila@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2021 9:21 AM
Cloutier, John	joelcloutier@comcast.net	An Elected Official	Myself	Support	No	No	2/1/2021 9:27 AM
O'Brien, Joan	joanlobrien@yahoo.com	A Member of the Public	Myself	Support	No	No	2/1/2021 9:34 AM
Egan, Timothy	timothytegan@gmail.com	An Elected Official	Myself	Support	No	No	2/1/2021 4:47 PM
Bruno, Darla	lchocice@aol.com	A Member of the Public	Myself	Support	No	No	2/1/2021 8:33 PM
snyder, patricia	penguinbird2@hotmail.com	A Member of the Public	Myself	Support	No	No	2/1/2021 7:51 AM
snyder, john	penguinbird2@hotmail.com	A Member of the Public	Myself	Support	No	No	2/1/2021 8:08 AM
Switzer, Bob	macswitz@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2021 8:19 AM
Poole, David	fish4fun.dp@gmail.com	A Member of the Public	NH Guide's Association	Oppose	No	No	2/1/2021 8:29 AM
Sherman, Senator Tom	jennifer.horgan@leg.state.nh.us	An Elected Official	SB 24	Support	No	No	2/1/2021 8:32 AM
Glenn, Cynthia	cglenn410@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2021 8:51 AM
Watters, Senator David	david.watters@leg.state.nh.us	An Elected Official	Myself (SD 4)	Support	No	No	1/21/2021 10:59 AM
Richardson, Diane	Workingclasscanine@msn.com	A Member of the Public	Myself	Oppose	No	No	1/21/2021 1:56 PM
Fordey, Nicole		A Member of the Public	Myself	Support	No	No	1/23/2021 3:50 PM

	nikkif610@gmail.com						
Spillane, James	james@jamespillane.org	An Elected Official	Rockingham 2	Support	No	No	1/25/2021 11:10 AM
Murray, Kate	dr.karma2000@gmail.com	An Elected Official	Myself	Support	No	No	1/25/2021 12:41 PM
Roy, Terry	terry.roy@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/25/2021 2:38 PM
Hurley, John	jrhurjd@aol.com	A Member of the Public	Myself	Support	No	No	1/25/2021 7:16 PM
Sanderson, Paul	paul.sanderson@wildlife.nh.gov	State Agency Staff	NH Fish and Game	Support	No	No	1/29/2021 1:10 PM
Van de Poll, Rick	rickvdp@gmail.com	A Member of the Public	Myself	Support	No	No	1/29/2021 6:36 PM
Rowell-Jore, Hannah	jorehannah@yahoo.com	A Member of the Public	Myself	Support	No	No	1/29/2021 7:18 PM
Reid, Natalie	meatme@gapmountaingoats.com	A Member of the Public	Myself and my household	Support	No	No	1/30/2021 11:39 AM
Herrick, Liz	lherrick@outlook.com	A Member of the Public	Myself	Support	No	No	1/30/2021 3:36 PM
Hawkes, Lydia	lydiahawkes@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2021 3:59 PM
Conroy, Rosemary	hello@rosemaryconroyart.com	A Member of the Public	Myself	Support	No	No	1/30/2021 5:32 PM
Dionne, Linda	voicesofwildlifeinh@gmail.com	A Member of the Public	Voices of Wildlife in NH	Support	No	No	1/30/2021 7:55 PM
Coder, William	wcoder@aol.com	A Member of the Public	Myself	Support	No	No	1/31/2021 9:49 AM
Reid, Karen	karenreidreiki@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2021 6:48 AM
Blanchard, Sandra	sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2021 6:51 AM
Miller, Virginia Lee	smsharps@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2021 8:09 AM
Wahl, BJ	bjwahl@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2021 10:36 AM
Freilich, Pam	pam@gmavt.net	A Member of the Public	Myself	Support	No	No	1/31/2021 12:15 PM
Cadot, Meade	cadot@harriscenter.org	A Member of the Public	NH Wildlife Coalition	Support	No	No	1/31/2021 12:44 PM
Marino, Elizabeth	bethmarino@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2021 1:07 PM
Moore, Trois	mooretrois@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2021 4:37 PM
Snyder, Kristina	khsnyder22@yahoo.com	A Member of the Public	Myself	Support	No	No	1/31/2021 5:09 PM
Hurley, Margaret	mdaisshurley@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2021 5:54 PM
Chouinard, Victor	vchouinard@gsinet.net	A Member of the Public	Myself	Support	No	No	1/31/2021 8:30 PM
Tate, Bill	wdtatenh@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2021 8:42 PM
Rauter, Linda	lcr80@tds.net	A Member of the Public	Myself	Support	No	No	1/31/2021 8:58 PM

Tate, Joanna	Joannatate112@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2021 9:20 PM
Rathbun, Eric	ericsrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2021 10:04 PM
Toll, Amanda	electamandanh@gmail.com	An Elected Official	Myself	Support	No	No	2/1/2021 7:03 AM
Kreis, Kenneth	kkreisr@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2021 7:42 AM

HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

PUBLIC HEARING ON

BILL TITLE: HB529

DATE: 2/1/21

ROOM: LOB 210

Time Public Hearing Called to Order: 9:06

Time Adjourned: 943

(please **bold** if present)

Committee Members: Reps. Lang, Khan, Read, Klose, Spillane, Howard, Craig, Love, Wolf, Kittredge, Dostie, J. Smith, Harvey, Laflamme, Dontonville, M. King, Jack substituting for Egan, Ruprecht, Shurtleff, Ellis and Oxaal

Bill Sponsors:

TESTIMONY

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

* -Rep Ellen Read introduces bill.

Q Harvey – Is this identical to last year’s bill?

A Yes, as it was amended.

Robert Johnson of NH Farm Bureau – Opposed. NH Farm Bureau has 2000 members. Opposed based on concern based on 1b “negligently mutilate or caused to be mutilated.” Concern about what farmers might do that would cause negligent mutilation.

Rep. Tim Horrigan – Support. Simple and workable approach. Definitions are long established. Grew up in a rural area. Farm Bureau is incorrect that normal practices would be negligent. 206.19 allows FG to charge for any violation, which if farmers are already doing this behavior that FG could already penalize.

Q Smith – If a farmer is cutting his field and hit a fawn or a nest of ducks, would this bill allow that farmer to be charged?

CHAIR – Please reserve that question for Col. Jordan.

A. It would be accidental, not negligent.

*Col. Jordan – Support. Nice to see everyone. This is a good bill, worked hard on. Would’ve passed if not for covid. Crafted carefully to avoid including accidental conduct. Have a lot of respect for Farm Bureau. Had a conversation with FB on phone, confident that this wouldn’t impact farmers. Fawns are routinely hit in farming, as fawns hide and won’t run. Most occasions farmers end the suffering of the animal and report it to FG. Similarly on highways there are many opportunities to

hit wildlife, and if you hit a deer you could make the same argument that there was illegal take. After two decades in the courtroom, guarantees any judge would throw that out. Also “negligence” sounds scary, but legislators have careful thought about the definition...it must be a “gross deviation” from normal conduct, not engaging in normal conduct. If it is accidental in normal conduct, it is not considered “negligent”. If this is ever used in courtrooms then many drivers will be charged. Confident that Farm Bureau will be fine and this will give law enforcement necessary tool.

Q Howard – About the road example, if someone behind says there was intent to hit a squirrel.

A It is too high a level of proof required to prove intent. The difference might be a case where someone drove through turkeys to kill them. A witness saw him wait and draw turkeys into road before hitting the flock. But if you determine as a driver it is unsafe to avoid, it is not chargeable.

Q Spillane – Also thought it might extend to people on the road, but question was dispatching of animal afterwards. If only object at hand is tire iron, would this be applied?

A We get many calls from people who need to dispatch suffering animals. It is sometimes a hard call. But if the goal is to end the suffering, that is not gross deviation and not cruelty. The statutes require you apply every element of the offense. Example is the beating of ducks. The young man who stepped in and dispatched the last suffering duck did not meet that standard. No one wants to see an animal suffer.

*Joanne Bourbeau – NE regional director, NH Humane Society of US. Support. We see many cases like this, NH has done the right thing for domestic and captive animals, so this closes the loophole. Link between cruelty and violence is strong. Intervening can help to point offending kids in right direction. Thanks the sponsors.

Gina Scarafano – Support. Wanted to clarify existing law and go over details. This closes an existing loophole. Cruelty only applies to domestic and captive animals. There are over 400 species of wildlife, but only 60 game species have FG protections, which are only rules and limited, and other species have almost none. In Florida there was a charge of cruelty felony level, but if it had happened in NH there would have been nothing that could’ve been done. With the duck cruelty case, the only law applicable was unlawful take. Last year in Maine 2 individuals beat porcupines to death and were charged with felonies, but we would not have that ability. Purposeful is felony for domestic and captive, so there should be something equal for wildlife. FBI tracked animal cruelty cases as crimes against society. Between half to 99% of animal cruelty violators have other crimes like sexual abuse and homicide. The affirmative action protects hunting community and farmers. And it is in title xviii. Other RSAs specifically allow killing of animals to protect property, people, and crops. Depredation permits also exist, and FG also controls dealing with nuisance animals, and another RSA allows poison to be used. In order for someone to be considered negligent a person would have to have a gross deviation from what a reasonable person would do, so ending the suffering of an animal or accidentally hitting an animal would not be considered negligent.

Testimony

HB529 Introduction Testimony

Rep. Ellen Read

Fish and Game and Marine Resources Committee

Feb 1, 2021

1. A bill relatively familiar to many of you, creates penalties for cruelty to wildlife
2. This language has been refined over the last 3 years in close cooperation with the FG Department, drafted primarily by the Department lawyer Paul Sanderson, with the help of Col. Jordan. It has been placed in Title XVIII, FG Title, according to this committees wishes, and written in such a way that is workable for law enforcement, while affording the highest level of protection for the hunting, angling, and trapping community. This bill also has the support of the Commission.
3. It was on the consent calendar unanimous out of criminal justice last year, but was one of the many casualties of our body's inaction because of covid
4. NH is one of only 3 states that has no criminal statute for cruelty to wildlife
5. Briefly go over the exact language with you, and then the need:
 - a. First, what is cruelty? Youll note that cruelty is actually only in the title, not in the actual language of the bill. The actual behavior identified in the bill is "beats, cruelly whips, tortures, or mutilates". This language was used because it is identical to the section of existing animal cruelty code, which applies to domestic animals.
 - b. Youll note that there are 2 different penalties here, one for purposeful behavior, and the other for negligent. In criminal law, there are 4 mental culpability states: purposeful, willingly, recklessly, and negligently. "Purposeful" is premeditated and planned with the explicit goal of doing that behavior, and it is very very difficult to prove. In order to match domestic cruelty statute, purposeful cruelty here is penalized with a class B felony. This is for the most egregious cases where it can be proved that the defendant planned out an act of cruelty for the sake of cruelty. Any behavior short of those most egregious cases would have to fall under negligent behavior, which is a misdemeanor. I had originally last year set this higher, at recklessly, but Col Jordan made the very good point that in NH, someone under the influence while committing a crime can only be charged at the negligent level.
 - c. The last section is affirmative defense, which is the strongest legal protection that exists. Affirmative defense says that EVEN IF a defendant can be proven to have committed the crime, in certain cases the jury shall be instructed to acquit, meaning that no prosecutor would prosecute to begin with. "It shall be an affirmative defense to prosecution and an actor shall be exempt from enhanced penalties under this section for any manner of taking, open season time limits, permitted scientific investigations or wildlife management practices lawful under title XVIII or administrative rules adopted pursuant to RSA 541-A, whether or not the actor holds a current and valid license issued by the department." This means that even if there is video of someone behaving in the most egregiously cruel way, torturing an animal...if that person was engaged in a lawful activity under title XVIII that the jury would be instructed to acquit, even if that person

didn't have a license. There is no stronger protection for the hunting community than this.

6. Just briefly, I want to talk about why this is necessary. The first time I heard of the concept of this bill, it was not mine, I was just a committee member...but I am an active rep and worked on legislation for 2 years before even being elected, and so I have attended or participated in hearings in most of the committees in the house. And I have never, ever, been so moved to disgust as when this committee heard the testimony, largely from wildlife rehabilitators, as to the kinds of acts that people are willing to do to animals. turtles that had been run through with a screwdriver, or halved with a cleaver and left to die, raccoons and other animals trapped in cages with lit fireworks or some even directly set on fire—these animals then dying from third degree burns at local wildlife rehabilitators...and one person who went so far as to torture a turtle on the internet, and threaten to do horrendous things to it unless he got a certain amount of likes. People intentionally running down turkeys and ducks, people stomping on litters of baby skunks. And when people call the FG department to complain about this, do you know the answer they get? That there is not much they can do about it...the most that they can do is issue a rules violation at best, for disturbing wildlife or a non-allowable take.
 - a. And why is it important that we have criminal penalties for specifically cruel behavior? Aside from the fact that it is a morally depraved act to intentionally torture an animal just to watch it suffer, it is because the people who do these kinds of things don't always, or even frequently, stop at animals. It turns out the same psychological tendency that drives one to cause wanton suffering in an animal, leads them to do the same thing to people. This committee heard the testimony of a woman who grew up near a boy that would frequently torture and kill wild birds and animals...until one day he came after her. She managed to escape, but eventually after years of practice, he went after another person and bashed his brains in and sexually molested the body. By the time he was caught, he had become one of the few famous serial killers in Nh, Terry Rasmussen, AKA Bob Evans. He, like many other sociopaths, had practiced on wildlife before graduating to people, because wildlife, unlike domestic animals, are not missed by people.
7. Having a criminal statute allows us to intervene in these situations, before they graduate to murdering people.
8. NH is proudly rural, and we so value our wildlife in this state... putting moose on our license plates, selling NH souvenirs plastered in images of wildlife,. I would suggest that if we love them so much that we should protect them from the most egregious and unthinkable acts.
9. Questions?

BILL LANGUAGE:

New Section; Fish and Game Commission; Cruelty to Wild Animals, Fish, or Wild Birds.

Amend RSA 206 by inserting after section 19-a the following new section:

206:19-b Cruelty to Wild Animals, Fish, or Wild Birds; Enhanced Penalty.

I.(a) Any person who purposely beats, cruelly whips, tortures or mutilates any wild animal, fish or wild bird as defined in RSA 207:1, or purposely causes any wild animal, fish, or wild bird to be beaten, cruelly whipped, tortured or mutilated shall be guilty of a class B felony.

(b) Any person who negligently beats, cruelly whips, tortures or mutilates any wild animal, fish or wild bird as defined in RSA 207:1, or negligently causes any wild animal, fish or wild bird to be beaten, cruelly whipped, tortured or mutilated shall be guilty of a misdemeanor.

II. It shall be an affirmative defense to prosecution and an actor shall be exempt from enhanced penalties under this section for any manner of taking, open season time limits, permitted scientific investigations or wildlife management practices lawful under title XVIII or administrative rules adopted pursuant to RSA 541-A, whether or not the actor holds a current and valid license issued by the department.

2 Effective Date. This act shall take effect January 1, 2022.

TO: House Fish and Game and Marine Resources Committee
FROM: Joanne Bourbeau, Northeast Regional Director
BILL: HB 529-FN, Relative to Cruelty to a Wild Animal, Fish, or Wild Bird
POSITION: Support
DATE: February 1, 2021

Dear Chairman Lang, Vice Chairman Kahn, and Members of the House Fish and Game and Marine Resources Committee,

On behalf of the Humane Society of the United States and our New Hampshire supporters, we urge the House Fish and Game and Marine Resources Committee to support House Bill 529.

Wild animals are the victims of senseless acts of cruelty across the United States, including in New England, such as being set on fire, intentionally run over by vehicles, and bludgeoned to death. But current New Hampshire law remains silent on such heinous, deliberate acts. While such malicious torture of a domestic animal like a dog or horse, a farm animal, or a captive wild animal will result in felony cruelty charges, there are no repercussions if someone commits this same act to a family of wild raccoons who live in your backyard. But when it comes to such extreme acts of violence, there is no biological, ecological, or ethical justification for excluding wild animals from that circle of protection. HB 529 would close that loophole with a modest, common-sense update to Title XVIII, New Hampshire's Fish and Game code, by making it unlawful to purposefully beat, cruelly whip, torture, or mutilate a wild animal—the same prohibition that already exists for other species in the state.

Most states—including those with strong hunting traditions like neighboring Maine and Vermont—provide protection to wildlife from deliberate cruelty without impacting lawful hunting practices. To ensure that is also the case in New Hampshire, HB 529 includes an exemption for any activity—including any manner of taking, open season time limits, permitted scientific investigations, or wildlife management practices—that is authorized or permitted under state statute or administrative rules.

While it's important to protect wild animals for their sake and for the benefits they bring to our lives and our economy, there are also serious public safety reasons to support this bill. Violence does not exist in a vacuum—animal abusers are also people abusers. A study conducted from 2001 to 2004 by the Chicago Police Department found that 65 percent of those arrested for crimes against animals had also been arrested for battery against another person.¹ And a study

¹ "Statistical Summary of Offenders Charged with Crimes against Companion Animals, July 2001 – July 2004," by Sergeant Brian Degenhardt, Special Operations Section, Animal Abuse Control Team, Chicago Police Department.

titled “The Care of Pets Within Child Abusing Families” found that 88 percent of homes being investigated for physical child abuse also had histories of animal abuse.²

Committing acts of cruelty is a strong early predictor that an individual will go on to commit violence against humans. Of 36 convicted multiple murderers interviewed by the FBI’s Behavioral Science Unit, 46 percent admitted to torturing animals as adolescents.³ The connection between animal and human violence is so strong that the FBI is now tracking crimes against animals alongside crimes like burglary and murder. Allowing law enforcement to investigate wildlife cruelty cases will give officers an additional tool to help prevent and detect crime and apprehend dangerous individuals.

Violence against animals, whether they are in our homes or in the wild, has far-reaching consequences. Yet New Hampshire is one of only a few states—alongside Iowa, Nebraska, Tennessee, and Texas—that still does not include a prohibition of deliberate acts of cruelty toward wildlife in their statutes or administrative code. In order to safeguard both New Hampshire’s native wildlife and its citizens, we ask that you change that by supporting HB 529.

Thank you for your time and consideration of this important legislation.



Joanne Bourbeau

Joanne Bourbeau
Northeast Regional Director
jboubeau@humanesociety.org

² DeViney, E., Dickert, J., & Lockwood, R. (1983). The care of pets within child abusing families. *International Journal for the Study of Animal Problems*, 4(4), 321-329.

³ Lockwood, R., & Church, A. (1996, Fall). “Deadly serious: An FBI perspective on animal cruelty.” *Humane Society News*, 27-30 reprinted in the *Congressional Register*, 142(141), Oct. 3, 1996.



In support of: House Bill 529
Date: February 1, 2021
Committee: House Fish and Game and Marine Resources

On behalf of the Humane Society Wildlife Land Trust’s volunteers and supporters who live in New Hampshire, we ask for your support of House Bill 529 to make it unlawful to purposefully beat, cruelly whip, torture, or mutilate a wild animal. Formed in 1993, the Trust is an affiliate of the Humane Society of the United States. We are a national land conservation organization, protecting over 21,000 acres in 32 states, including over 1,000 acres in New Hampshire.

Although New Hampshire’s citizens highly value wildlife, its laws fail to protect wild animals from egregious forms of cruelty. New Hampshire is one of only a few states, including Iowa, Nebraska, Tennessee, and Texas, that does not include a prohibition of deliberate acts of cruelty toward wildlife in its statutes or administrative code.

Wild animals are often the victims of senseless acts of cruelty. While maliciously torturing a domestic animal such as a dog or horse, a farm animal, or a captive wild animal in New Hampshire will result in cruelty charges, there is no recourse if someone is deliberately cruel to wildlife.

House Bill 529 would close that loophole with an update to Title XVIII, the Fish and Game code, by making it unlawful to purposefully beat, cruelly whip, torture, or mutilate a wild animal—the same prohibition that already exists for other species in the state. Please note, however, that HB 529 includes an exemption for lawful, regulated hunting, including any manner of taking, open season time limits, permitted scientific investigations, or wildlife management practices that are authorized or permitted under state statute or administrative rules.

While it’s important to protect wild animals for their sake, and because of the benefits they bring to our lives and our economy, this is also a matter of public safety. Research by law enforcement agencies has shown that animal abusers are also a danger to people, and that acts of animal cruelty are a strong early predictor that an individual will commit violence against humans. In fact, the connection between animal and human violence is so strong that the FBI is now tracking crimes against animals alongside crimes such as burglary and murder.

With all of this in mind, we respectfully ask this committee to approve House Bill 529 to protect both wildlife and people in New Hampshire. Thank you so much for your time.

Linda Winter
Program Specialist

Sunday, 1/31/21

RE: Please support HB 529 to end the leniency for cruelty to wild animals

Dear Chairman Lang and Honorable Members of the Committee:

House Bill 529 closes a loophole that presently endangers animals in the wild, including fish and birds.

HB 529 enhances the criminal penalty for cruelty.

I am asking for your support of HB 529 to end the leniency for those who would purposely or recklessly beat, cruelly whip, torture, or mutilate a wild animal.

Thank you for your consideration.

Sincerely,

Suzanne Fournier
9 Woodward Dr.
Milford, NH 03055-3122
(603) 673-7389

Please support HB 529 Inbox x



James Glover

to HouseFishandGameCommittee ▾

8:19 PM (17 minutes ago)



Dear Mr. Chairman and members of the Committee:

I am writing to ask that your support House Bill 529. This bill will establish an enhanced criminal penalty for cruelty to any wild animal, fish, or wild bird.

Cruelty toward any animal is socially unacceptable. To purposely or recklessly beat, cruelly whip, torture, or mutilate a wild animal is criminal and should be punished accordingly.

Thank you for your consideration.

Thank you

James Glover

Raymond, New Hampshire

Hb529

Inbox x



Diane Richardson workingclasscanine@msn.com [via nhgeneralcourt.onmicrosoft.com](mailto:via_nhgeneralcourt.onmicrosoft.com)
to HouseFishandGameCommittee@leg.state.nh.us ▾

Thu, Jan 28, 10:22 AM (3 days ago)



Dear committee

Please attach to the bills permanent record

Hb529 cruelty to wildlife

I signed in as opposed because of my fear that the anti hunting anti trapping anti fishing crowd will use this bill asa stepping stone to eliminate legal activities

I am opposed to intentional cruelty as in the beating deaths of the ducks that spurred thisbill

But I also staunchly support all legal hunting trapping and fishing

Diane Richardson

Springfield

Archived: Friday, July 16, 2021 11:34:39 AM
From: [Elise Caplan](#)
Sent: Monday, February 1, 2021 9:38:38 AM
To: [~House Fish and Game Committee](#)
Subject: HB 529- in support - public- Elise Caplan
Importance: Normal

All,

I am in full support of making cruelty to wildlife a misdemeanor.

Hunters cause injuries, pain and suffering to animals who are not adapted to defend themselves from bullets, traps and other cruel killing devices. Hunting destroys animal families and habitats, and leaves terrified and dependent baby animals behind to starve to death.

Because state wildlife agencies use hunting, trapping and fishing licenses as a source of income, today's wildlife management actively promotes the killing of wild animals, and joined by a powerful hunting lobby even sells wildlife trophy hunts to those who enjoy killing them.

Hunting and Illegal Violence Against Humans and Other Animals: Exploring the Relationship- a downloadable paper by Uni-South Carolina

This study examined the relationship between hunting and illegal violence among college males. Although similar on many socio-demographic characteristics such as age and social class (parents' education and occupation), hunters were more likely than non-hunters to be white and Protestant. They also were more likely to have grown up with a family member who hunted. Hunters were about twice as likely to have been violent toward nonhuman animals; however, one type of violence—killing wild or stray animals—accounted for this difference. Regarding violence toward people, hunters were more than twice as likely to have damaged or destroyed private or public property during their last year in high school but were no more likely during that year to have fought with other persons.

I used a combo of my own words and those of papers written.

Thank you for your attention to this grave and critical matter.

Elise Caplan

Archived: Friday, July 16, 2021 11:34:39 AM
From: James Glover
Sent: Sunday, January 31, 2021 8:19:23 PM
To: ~House Fish and Game Committee
Subject: Please support HB 529
Importance: Normal

Dear Mr. Chairman and members of the Committee:

I am writing to ask that your support House Bill 529. This bill will establish an enhanced criminal penalty for cruelty to any wild animal, fish, or wild bird.

Cruelty toward any animal is socially unacceptable. To purposely or recklessly beat, cruelly whip, torture, or mutilate a wild animal is criminal and should be punished accordingly.

Thank you for your consideration.

Thank you
James Glover
Raymond, New Hampshire

Archived: Friday, July 16, 2021 11:34:39 AM

From: [Meade Cadot](#)

Sent: Sunday, January 31, 2021 12:51:30 PM

To: [Dan Pickering](#); [~House Fish and Game Committee](#)

Cc: [Meade Cadot](#)

Subject: Hearings Feb 1 2021 Writing in Support of HB 529 and HB 118 as amended

Importance: Normal

Please support HB 529 and HB 118 as amended.

Thank you for your consideration.

Meade Cadot

Hancock



Virus-free. www.avast.com

Archived: Friday, July 16, 2021 11:34:39 AM

From: [Suzanne Fournier](#)

Sent: Sunday, January 31, 2021 8:52:03 AM

To: ~House Fish and Game Committee

Subject: Please support HB 529 to end the leniency for cruelty to wild animals

Importance: Normal

Sunday, 1/31/21

RE: Please support HB 529 to end the leniency for cruelty to wild animals

Dear Chairman Lang and Honorable Members of the Committee:

House Bill 529 closes a loophole that presently endangers animals in the wild, including fish and birds.

HB 529 enhances the criminal penalty for cruelty.

I am asking for your support of HB 529 to end the leniency for those who would purposely or recklessly beat, cruelly whip, torture, or mutilate a wild animal.

Thank you for your consideration.

Sincerely,

Suzanne Fournier
9 Woodward Dr.
Milford, NH 03055-3122
(603) 673-7389

Archived: Friday, July 16, 2021 11:34:40 AM
From: [Alexandra Moffat](#)
Sent: Saturday, January 30, 2021 3:50:26 PM
To: ~House Fish and Game Committee
Subject: supports & opposes
Importance: Normal

A big YES to HB 118 & 529. Special strong support for Silane, Read & Howard amendment

NO NO NO to HB 192

241, 342, 490

Way past time to support wild life, to conserve, preserve. Global heating may doom many species so we MUST save what we have, humanely, wisely, ethically.

Alexandra Moffat 77 Upper Stonehouse Mt Rd Orford NH 03777

Archived: Friday, July 16, 2021 11:34:40 AM
From: Jason Youzwak
Sent: Saturday, January 30, 2021 10:10:21 AM
To: ~House Fish and Game Committee
Subject: Support for HB 529
Importance: Normal

Dear Mr. Chairman and Committee members,

I am reaching out to ask you to support House Bill 529. The bill adds penalties for cruelty to wild animals.

There have been multiple studies that show there is a connection between cruelty to animals and cruelty to humans, such as <https://www.researchgate.net/publication/249724073> The Relationship of Animal Abuse to Violence and Other Forms of Antisocial Behavior

Please support this bill that will help put into place measures to prevent this cycle.

Thank you,
Jason Youzwak
Danville, NH

Support for HB 529 Inbox x



Jason Youzwak veganjay@gmail.com via nhgeneralcourt.onmicrosoft.com
to HouseFishandGameCommittee ▾

Sat, Jan 30, 10:10 AM (1 day ago)



Dear Mr. Chairman and Committee members,

I am reaching out to ask you to support House Bill 529. The bill adds penalties for cruelty to wild animals.

There have been multiple studies that show there is a connection between cruelty to animals and cruelty to humans, such as https://www.researchgate.net/publication/249724073_The_Relationship_of_Animal_Abuse_to_Violence_and_Other_Forms_of_Antisocial_Behavior

Please support this bill that will help put into place measures to prevent this cycle.

Thank you,
Jason Youzwak
Danville, NH

Please support HB 529 Inbox x



Joan O'Brien

to HouseFishandGameCommittee@leg.state.nh.us ▾

Sat, Jan 30, 11:47 AM (1 day ago)



Dear Mr. Chairman and members of the Committee:

Please support House Bill 529 to establish an enhanced criminal penalty for cruelty to any wild animal, fish, or wild bird.

This bill received widespread support during the last legislative session and was on its way to passage before the pandemic caused a standstill in Concord.

I look forward to seeing HB 529 signed into law this session.

Thank you for your consideration.

Joan O'Brien
Amherst, NH

Please support HB 529 Inbox x



Maggie Durand lilliandurand@gmail.com via nhgeneralcourt.onmicrosoft.com
to HouseFishandGameCommittee ▾

Sat, Jan 30, 2:37 PM (1 day ago) ☆ ↩ ⋮

Dear Mr. Chairman and members of the Committee:

I am writing to ask that you support House Bill 529. This bill will establish an enhanced criminal penalty for cruelty to any wild animal, fish, or wild bird.

Cruelty toward any animal is socially unacceptable. To purposely or recklessly beat, cruelly whip, torture, or mutilate a wild animal is criminal and should be punished accordingly.

Thank you for your consideration.

Margaret Lillian
Nashua, NH

--

Maggie Durand

Freelance Author | Creative Writer

Hearings Feb 1 2021 Writing in Support of HB 529 and HB 118 as amended

Inbox x



Meade Cadot cadot@harriscenter.org [via](#) nhgeneralcourt.onmicrosoft.com

12:51 PM (7 hours ago)



to Dan.Pickering, HouseFishandGameCommittee, Meade ▾

Please support HB 529 and HB 118 as amended.

Thank you for your consideration.

Meade Cadot

Hancock

Please support HB 529 Inbox x



Noelle Jaroch <njaroch@yahoo.com>

5:46 PM (2 hours ago)



to HouseFishandGameCommittee@leg.state.nh.us ▾

Dear Mr. Chairman and members of the Committee:

I am writing to ask that your support House Bill 529. This bill will establish an enhanced criminal penalty for cruelty to any wild animal, fish, or wild bird.

Cruelty toward any animal is socially unacceptable. To purposely or recklessly beat, cruelly whip, torture, or mutilate a wild animal is criminal and should be punished accordingly.

Thank you for your consideration.

Noelle Jaroch

Bedford, NH



Suzanne Fournier <animalfriendlyolutions@comcast.net>

housefishandgamecommittee@leg.state.nh.us

8:52 AM

Please support HB 529 to end the leniency for cruelty to wild animals



Sunday, 1/31/21

RE: Please support HB 529 to end the leniency for cruelty to wild animals

Dear Chairman Lang and Honorable Members of the Committee:

House Bill 529 closes a loophole that presently endangers animals in the wild, including fish and birds.

HB 529 enhances the criminal penalty for cruelty.

I am asking for your support of HB 529 to end the leniency for those who would purposely or recklessly beat, cruelly whip, torture, or mutilate a wild animal.

Thank you for your consideration.

Sincerely,

Suzanne Fournier
9 Woodward Dr.
Milford, NH 03055-3122
(603) 673-7389



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

New Hampshire Fish and Game Department Fish and Game and Marine Resources Committee February 1, 2021

Testimony on HB 529, relative to cruelty to a wild animal, fish, or wild bird

We write to express the position of the New Hampshire Fish and Game Commission and the New Hampshire Fish and Game Department in support of this bill as introduced. The language as introduced is identical to HB 1606 of the 2020 session, which passed this Committee, the House, and the Criminal Justice and Public Safety Committee. A second vote in the House was not held due to COVID, and the bill died with the end of the 2020 session. The language represents the culmination of a great deal of work by the sponsor, the department, and many interested parties over a period of years to come to language that achieves an improvement in Fish and Game law.

The intent of the bill is to fill a recognized gap in our Fish and Game laws. It is currently a crime under Criminal Code RSA 644:8 to engage in defined acts of cruelty to a domestic animal or wild animal in captivity, with conviction leading to enhanced criminal penalties. The same enhanced penalties are not imposed for the same acts toward a wild animal not in captivity. At the same time, the Department does not want to allow such a proposed statute to have the unintended effect of enhancing penalties for the take of such animals in a manner that is consistent with existing Fish and Game laws and administrative rules regulating hunting, fishing, and trapping, whether or not the person has a valid New Hampshire hunting, fishing, or trapping license issued to them. That is, the sponsor, interested parties and the department wished to close this gap by a carefully worded provision that would only be applicable to serious conduct and situations which clearly fell outside of practices used by ethical hunters, anglers, and trappers in the field, and which would not serve to outlaw the lawful conduct of hunting, fishing, or trapping.

This proposed change is a criminal statute, and enhanced penalties could not be imposed unless a court determines that all of the elements of the offense have been proven beyond a reasonable doubt. One of those elements is the state of mind of the person charged, which in this proposal is either “purposely” or “negligently”. We have been advised of a concern that a person engaged in normal agricultural operations with equipment in a field might accidentally cause serious injuries to a wild animal, and that such conduct should not be subject to enhanced penalties. We agree, and feel that the proposed language already deals with that factual situation. Normal operation of machinery is not consistent with a state of mind of “purposely” or “negligently” causing harm to an animal, and thus this statute would provide a defense to prosecution for that sort of injury.

This is similar to what occurs when a wild animal is injured or killed by a motor vehicle being operated normally on a roadway. In accordance with our existing rules, as follows, there is a procedure to report the accidental killing of wildlife. Upon the receipt of the report, the department determines the proper disposition of the animal, but imposes no penalty upon the driver of the vehicle:

REGION 1

629B Main Street
Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2

PO Box 417
New Hampton, NH 03256
(603) 744-5470
FAX (603) 744-6302
email: reg2@wildlife.nh.gov

REGION 3

225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

REGION 4

15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8798
email: reg4@wildlife.nh.gov

Fis 1102.02 NH Wildlife Permit for Wildlife Killed by a Motor Vehicle.

(a) A resident who desires to possess wildlife that has been accidentally killed by a motor vehicle shall:

(1) Complete a “N.H. Wildlife Permit for Wildlife Accidentally Killed by Motor Vehicle” form, Rev 10/18, obtained from a department conservation officer or a New Hampshire law enforcement officer. Once complete the form shall be submitted directly to a conservation officer for approval; or

(2) If no law enforcement officer is available, the information shall be provided to the dispatch center of the department by telephone at 603-271-3361, who will provide instructions for further action required to obtain approval to continue to possess the wildlife.

(b) Upon receipt of a form, the conservation officer shall review the form, and if all requested information has been provided, shall approve it, and provide one copy to the applicant that shall be kept with the meat possessed.

(c) The permit shall be valid for a period of 6 months, but shall be extended for one additional period of 6 months upon the request of the permittee.

Source. (See Revision Note at chapter heading for Fis 1100) #8183, eff 9-28-04; amd by #9800-A, eff 1-1-11, paras (c) and (d); *amd by #9800-B, eff 1-1-11, paras (a) and (b)*; ss by #10265, eff 1-29-13; ss by #12785, eff 5-22-19

Thus, the Department respectfully requests that the bill be reported as “Ought to Pass”. If the Committee feels that agricultural operators should receive a similar protection, we suggest that we could better accommodate this concern by amending the above noted rule, and not by amending the proposed statutory language.

Respectfully submitted,

Paul G. Sanderson
NH Fish and Game Department
603-271-1136.

Facts About **The Link**[®] Between Violence to People and Violence to Animals

What Does the Research Show?

Philosophers and educators have been describing the connections between animal abuse and interpersonal violence since the 14th century. In recent years, a growing body of scientific research has confirmed this conventional wisdom. The research is prompting changes in public policy and organizational programming, and is opening new vistas in collaborative approaches to curtailing family violence in its many forms.

The Link and Violent Crimes

Law enforcement agencies and courts worldwide are recognizing that people who commit acts of serious animal abuse frequently have previous histories of, or future tendencies toward, violent crimes against humans.

Children's acts of animal abuse are some of the strongest and earliest diagnostic indicators of conduct disorder, often beginning as young as age six and a half (Ascione, 2001).

The FBI identifies animal cruelty as one of several juvenile behaviors associated with increasingly violent behavior. The FBI uses reports of animal cruelty in analyzing the threat potential of suspected and known criminals (Lockwood & Church, 1996).

In a Massachusetts study, 70% of animal abusers had criminal records including crimes involving violence, property, drugs, or disorderly behavior (Arluke & Luke, 1997).

Half of school shooters have histories of animal cruelty (Verlinden, Herson, & Thomas, 2000).

Of search warrants executed for animal abuse or dogfighting investigations, 35% resulted in seizure of either narcotics or guns. Of 22 offenders arrested for animal abuse violations, 18 had prior arrests for battery, weapons, or drug charges and 5 had subsequent arrests for felony offenses (Chicago Crime Commission, 2004).

Thirty-one percent of inner-city teens in Chicago have attended a dogfight (Cleveland, 2006).

Adults who keep vicious dogs are more likely to have been arrested for violent crimes and drug- and property-related offenses (Barnes, Boat, Putnam, Dates, & Mahlman, 2006).

A Canadian police review of crime records found that 70% of people charged with cruelty to animals also had other reported incidents of violent behavior, including homicide (Boat & Knight, 2000).

In an Australian study, 61.5% of convicted animal abuse offenders had also committed an assault, 17% had committed sexual abuse, and 8% had arson convictions. Animal abuse was a better predictor of sexual assault than were previous convictions for homicide, arson, or firearms offenses. Animal cruelty offenders committed an average of four different types of criminal offenses. All sexual homicide offenders reported having been cruel to animals. Sexual assault, domestic violence, and firearms offenses featured prominently in cruelty offenders' criminal histories (Clarke, 2002).

In a study of incarcerated aggressive criminals in South Africa, 63% had deliberately inflicted harm on an animal as a child, and 29% had witnessed a parent or other family member being cruel to animals (Schiff, Louw, & Ascione, 1999).



AMERICAN HUMANE

Protecting Children & Animals Since 1877

Facts About **The Link**[®] Between Violence to People and Violence to Animals

The Link and Domestic Violence

Because women are often emotionally close to, and have primary responsibility for, household animals, they are particularly vulnerable to batterers who would exploit this bond to exert power and coercion. Millions of battered women are trapped in abusive homes because there is no one to care for animals that cannot accompany them to safety. Children in these households are at risk of witnessing and perpetrating this violence as well.

More than 48% of Americans consider their animals as “companions” and almost 50% consider them as “members of the family” (American Veterinary Medical Association, 2007).

Thirteen percent of intentional animal abuse cases involved domestic violence (Humane Society of the United States, 2001).

Twelve independent studies have reported that between 18% and 48% of battered women delay leaving abusive situations out of fear for the safety of their animals (Ascione, 2007).

Over 71% of battered women reported that their batterers had harmed, killed or threatened animals. More than 75% of these incidents occurred in the presence of the women and/or children to coerce, control and humiliate them. More than 13% of the children admitted that they had hurt pets, and 7.9% admitted to having hurt or killed animals. However, 50% of the children said that they had protected their pet by directly intervening (Ascione, Weber, & Wood, 1997).

Thirty-two percent of battered women reported that their children had hurt or killed animals (Ascione, 1998).

In a Wisconsin study, 68% of battered women reported their animals had been the target of violence. Of these incidents, 87% occurred in the presence of the women to intimidate and control them, and 75% occurred in the presence of children (Quinlisk, 1999).

In a Texas study, batterers who harm animals were found to be more dangerous and to use more forms of violence and controlling behaviors than batterers who do not abuse pets (Simmons & Lehmann, 2007).

Children exposed to domestic violence were found to be three times more likely to be cruel to animals than children in nonviolent households (Currie, 2006).

Forty-eight percent of battered women reported that animal abuse had occurred “often” during the past 12 months. An additional 30% reported that the abuse occurred “almost always” (Carlisle-Frank & Flanagan, 2006).

The Link and Child Maltreatment

Children who harm animals or witness acts of violence against animals are at increased risk of developing antisocial behaviors and of becoming victims of child maltreatment. Conversely, children who are victims of maltreatment are at increased risk of harming animals.

Pets are part of childhood. Almost 68% of households with children under age 6 and more than 74% of households with children over age 6 have pets (American Veterinary Medical Association, 2007). A child in America is more likely to grow up with a pet than with a father (Melson, 2001).

Seven percent of intentional animal abuse cases involved child abuse and neglect (Humane Society of the United States, 2001).





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In a New Jersey study, at least one person in 60% of pet-owning families being investigated for child abuse and neglect had abused animals. At least one person in 88% of pet-owning families being investigated for physical child abuse had abused animals. In one third of the families, the children had abused the animals, using them as scapegoats for their anger. The rate of dog bites and attacks in these homes was 69%, compared with 6% in a control group (DeViney, Dickert, & Lockwood, 1983).

Sexually abused children were five times more likely to abuse animals than were children who were not sexually abused (Ascione, Friedrich, Heath, & Hayashi, 2003).

Twenty percent of children who sexually abused other children also had histories of sexually abusing animals. In most cases, the acts were carefully planned, with pets targeted, isolated, groomed, and abused — much like child victims of sexual abuse (Duffield, Hassiotis, & Vizard, 1998).



In one survey, 91% of abused children institutionalized for delinquency and emotional disturbances said they had had special pets, and 99% showed very positive feelings toward these pets. However, these youths reported that abusive adults had frequently punished or intimidated them by killing, harming, or removing their pets (Robin, ten Bensel, Quigley, & Anderson, 1984).

In a British study of animal cruelty cases, 82% of the families investigated by the RSPCA were also known to social services departments and 61% were known to probation departments. These families were largely described as having children at risk (Hutton, 1983).

The Link and Elder Abuse

Senior citizens are at particular risk of hoarding excess numbers of animals in unhealthy environments. Signs of animal neglect are an early warning sign of a senior's self-neglect or need of assistance. Seniors' emotional attachments to their pets make them vulnerable to those who would exploit this bond to exert control over an older victim.

Ninety-two percent of adult protective services caseworkers encountered animal neglect among clients who were unable to care for themselves. Seventy-five percent noted their clients' concern for their pets' welfare affected decisions about accepting interventions or other services. Forty-five percent of adult protective services caseworkers have encountered intentional animal abuse or neglect (Humane Society of the United States & State of Wisconsin Department of Health and Family Services, 2003).

A significant percentage of people who hoard or collect animals are older women (Pet-Abuse.Com, 2007). Their inability to adequately care for large numbers of animals puts them at risk of self-neglect, eviction, and health issues, and often indicates a need for mental health and social services interventions (Patronek, Loar, & Nathanson, 2006).

In the absence of children or other loved ones, animal companions may be particularly significant others for isolated seniors: the loss of these animals when a senior is forced to move to subsidized housing or assisted living facilities can be traumatic. Abusive children may attempt to intimidate elders, retaliate against them, or control their assets by harming, threatening, or removing their pets (Arkow, 2007).

Thirty-five percent of adult protective services caseworkers reported that their clients talk about pets being threatened, injured, killed, or denied care (Boat & Knight, 2000).

Facts About **The Link**[®] Between Violence to People and Violence to Animals

References

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Bill as
Introduced

HB 529-FN - AS INTRODUCED

2021 SESSION

21-0591
04/10

HOUSE BILL ***529-FN***

AN ACT relative to cruelty to a wild animal, fish, or wild bird.

SPONSORS: Rep. Read, Rock. 17; Rep. Toll, Ches. 16; Rep. Gay, Rock. 8; Rep. Danielson, Hills. 7; Rep. Spillane, Rock. 2; Rep. Abrami, Rock. 19; Rep. DeSimone, Rock. 14; Rep. Wall, Straf. 6; Rep. K. Murray, Rock. 24; Sen. Sherman, Dist 24; Sen. Watters, Dist 4; Sen. Bradley, Dist 3

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill establishes an enhanced criminal penalty for cruelty to any wild animal, fish, or wild bird.

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.

21-0591
04/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to cruelty to a wild animal, fish, or wild bird.

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

1 New Section; Fish and Game Commission; Cruelty to Wild Animals, Fish, or Wild Birds. Amend RSA 206 by inserting after section 19-a the following new section:

206:19-b Cruelty to Wild Animals, Fish, or Wild Birds; Enhanced Penalty.

I.(a) Any person who purposely beats, cruelly whips, tortures or mutilates any wild animal, fish or wild bird as defined in RSA 207:1, or purposely causes any wild animal, fish, or wild bird to be beaten, cruelly whipped, tortured or mutilated shall be guilty of a class B felony.

(b) Any person who negligently beats, cruelly whips, tortures or mutilates any wild animal, fish or wild bird as defined in RSA 207:1, or negligently causes any wild animal, fish or wild bird to be beaten, cruelly whipped, tortured or mutilated shall be guilty of a misdemeanor.

II. It shall be an affirmative defense to prosecution and an actor shall be exempt from enhanced penalties under this section for any manner of taking, open season time limits, permitted scientific investigations or wildlife management practices lawful under title XVIII or administrative rules adopted pursuant to RSA 541-A, whether or not the actor holds a current and valid license issued by the department.

2 Effective Date. This act shall take effect January 1, 2022.

LBA
21-0591

**HB 529-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to cruelty to a wild animal, fish, or wild bird.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill establishes criminal penalties relative to cruelty to wild animals, fish, or wild birds. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Violation Level Offense	\$53	\$53
Class B Misdemeanor	\$55	\$55
Class A Misdemeanor	\$78	\$78
Simple Criminal Case	\$309	\$309
Routine Criminal Felony Case	\$494	\$494
Appeals	Varies	Varies

It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.

Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400

It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).

Department of Corrections		
FY 2020 Average Cost of Incarcerating an Individual	\$47,691	\$47,691
FY 2020 Annual Marginal Cost of a General Population Inmate	\$6,407	\$6,407
FY 2020 Average Cost of Supervising an Individual on Parole/Probation	\$584	\$584
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Department of Justice, Department of Corrections, Judicial Council, and New Hampshire Association of Counties