

**REGULAR CALENDAR**

**March 2, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Criminal Justice and Public Safety  
to which was referred HB 1004-FN,**

**AN ACT relative to penalties for failure to provide  
information after an animal injury. Having considered  
the same, report the same with the following resolution:  
RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Linda Harriott-Gathright**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Criminal Justice and Public Safety</b>
Bill Number:	<b>HB 1004-FN</b>
Title:	<b>relative to penalties for failure to provide information after an animal injury.</b>
Date:	<b>March 2, 2022</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

A majority of the Criminal Justice and Public Safety committee strongly opposed this bill. There were unintended consequences: the dog may or may not have been with the owner, therefore, the owner would be charged but not aware of the incident; the scene may not be conducive to the owner remaining there; a woman or a minor may not feel comfortable providing personal information to a stranger. The majority of the committee was against the misdemeanor charge and did not agree with the possibility of jail time. More importantly, the majority of the committee opposed the bill and agreed with the Dog Owners of the Granite State (D.O.G.S) that this is a bad bill, with vague language and unintended consequences.

Vote 15-6.

Rep. Linda Harriott-Gathright  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Criminal Justice and Public Safety

**HB 1004-FN**, relative to penalties for failure to provide information after an animal injury.  
**INEXPEDIENT TO LEGISLATE.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. A majority of the Criminal Justice and Public Safety committee strongly opposed this bill. There were unintended consequences: the dog may or may not have been with the owner, therefore, the owner would be charged but not aware of the incident; the scene may not be conducive to the owner remaining there; a woman or a minor may not feel comfortable providing personal information to a stranger. The majority of the committee was against the misdemeanor charge and did not agree with the possibility of jail time. More importantly, the majority of the committee opposed the bill and agreed with the Dog Owners of the Granite State (D.O.G.S) that this is a bad bill, with vague language and unintended consequences. **Vote 15-6.**

Original: House Clerk  
Cc: Committee Bill File

**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

**EXECUTIVE SESSION on HB 1004-FN**

**BILL TITLE:** relative to penalties for failure to provide information after an animal injury.

**DATE:** March 2, 2022

**LOB ROOM:** 202-204

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. Harriott-Gathright    Seconded by Rep. Meuse

Vote: 15-6

**CONSENT CALENDAR: NO**

**Statement of Intent:            Refer to Committee Report**

Respectfully submitted,

Rep Scott Wallace, Clerk

OFFICE OF THE HOUSE CLERK

2/8/2022 3:07:34 PM  
 Roll Call Committee Registers  
 Report



2022 SESSION

Criminal Justice and Public Safety

Bill #: HB 1054 Motion: ITC AM #: 0362H Exec Session Date: 3.7.22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman		6	
Roy, Terry Vice Chairman		1	
Welch, David A.	1		
Burt, John A.	2		
Hopper, Gary S. PEARSON		2	
Green, Dennis E.		3	
Wallace, Scott Clerk	3		
Testerman, Dave BERRY		4	
True, Chris	4		
Pratt, Kevin M.		5	
Marston, Dick	5		
Harriott-Gathright, Linda C.	6		
Pantelakos, Laura C. S. NEWMAN	7		
O'Hearne, Andrew S.	8		
Bordenet, John	9		
Meuse, David	10		
Newman, Ray E.	11		
Bouldin, Amanda C. HEATH	12		
Conley, Casey M.	13		
Bradley, Amy LAFLAMMO	14		
Espitia, Manny HAMBLET	15		

15 6



2/8/2022 3:07:34 PM  
Roll Call Committee Registers  
Report

2022 SESSION

**Criminal Justice and Public Safety**

Bill #: \_\_\_\_\_ Motion: \_\_\_\_\_ AM #: \_\_\_\_\_ Exec Session Date: \_\_\_\_\_

**TOTAL VOTE:**



OFFICE OF THE HOUSE CLERK



2/8/2022 3:07:34 PM  
Roll Call Committee Registers  
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB1004 FN Motion: OTP AM #: 0362 H Exec Session Date: 3.2.22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	9		
Roy, Terry Vice Chairman	1		
Welch, David A.	2		
Burt, John A.		3	
Hopper, Gary S. <u>PEARSON</u>	3		
Green, Dennis E.	4		
Wallace, Scott Clerk	5		
Testerman, Dave <u>BERRY</u>	6		
True, Chris		2	
Pratt, Kevin M.	7		
Marston, Dick		3	
Harriott-Gathright, Linda C.		4	
Pantelakos, Laura G. <u>S. NEWMAN</u>		5	
O'Hearne, Andrew S.		6	
Bordenet, John	8	1	
Meuse, David		7	
Newman, Ray E.		8	
Bouldin, Amanda C. <u>HEATH</u>		9	
Conley, Casey M.		10	
Bradley, Amy <u>LAFLAMME</u>		11	
Espitia, Manny <u>HAMBLETT</u>		12	
	9	12	

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1004-FN

**BILL TITLE:** relative to penalties for failure to provide information after an animal injury.

**DATE:** January 28, 2022

**LOB ROOM:** 204                      **Time Public Hearing Called to Order:** 2:15 p.m.

**Time Adjourned:** 2:45 p.m.

**Committee Members:** Reps. Abbas, Wallace, Burt, Green, True, Pratt, Marston, Harriott-Gathright, Pantelakos, Bordenet, Meuse, R. Newman, Conley and Bradley

**Bill Sponsors:**

Rep. Hopper

Rep. Erf

**TESTIMONY**

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

Reps. Rhodes, **Spillane**, **Telerski** and S. **Newman** were also in attendance.

Rep, Keith **Erf** introduced the bill and offered an amendment.

Chief Chris **Moore**, Weare, NH - supports.

\*Angela **Ferrari**, representing Dog Owners of the Granite State - opposes. Submitted written testimony.

Respectfully submitted,

Rep. Scott Wallace  
Clerk





# House Remote Testify

## Criminal Justice and Public Safety Committee Testify List for Bill HB1004 on 2022-01-28

Support: 9 Oppose: 5 Neutral: 0 Total to Testify: 0

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>
Sawtelle, erick	Lee, NH esawtelles@aol.com	A Member of the Public	Myself	Oppose	No	No	1/23/2022 6:58 PM
Holmes, Nancy	New Boston, NH fmkaffen@ix.netcom.com	A Member of the Public	Myself	Oppose	No	No	1/25/2022 4:56 PM
Campbell, Kay	Epsom, NH kkcampbell43@yahoo.com	A Member of the Public	Myself	Support	No	No	1/26/2022 9:45 AM
Richardson, Diane	Springfield, NH Workingclasscanine@msn.com	A Member of the Public	Myself	Oppose	No	No	1/28/2022 8:16 AM



January 27, 2022

Chairman Daryl Abbas and Members of the House Criminal Justice and Public Safety Committee –

I am writing on behalf of Dog Owners of the Granite State (D.O.G.S.) to thank you for your consideration of HB 1004-FN, *relative to penalties for failure to provide information after an animal injury*. On behalf of our membership of responsible local pet owners and breeders, D.O.G.S. respectfully **opposes** this bill as written.

*D.O.G.S. is an American Kennel Club affiliated non-profit organization founded in 1991 to represent the interests of all pet owners in New Hampshire. Our membership includes a vibrant and active community of specialty breed clubs, all breed kennel clubs, dog and cat breeders, veterinarians, mushers, hunters, and livestock guardian dog owners.*

Our recommendation is to change the language of the bill as follows:

IV. If a dog is off leash and **bites a person or causes serious bodily injury to a person** and the person responsible for the dog **knowingly** leaves the scene of the injury, without providing information about ownership of such dog **to the person injured or to a police officer as soon as possible**, such person shall be guilty of a misdemeanor.

This would help alleviate the concerns we have with the bill as written due to unintended consequences.

### Unintended Consequences

- Injury is a very vague term and could result in attempts to report/charge a person when a dog may have inflicted a scratch or emotionally injured someone. Due to “injury” being too vague, we suggest explicitly including “biting” and “serious bodily injury” in the bill. Serious bodily injury is defined in RSA 625:11, VI. as:

*“Serious bodily injury” means any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or of the function of any part of the body.”*

- The person may not be aware of any injury if the dog has gone out of sight and returns to the handler following an injury. Therefore, it isn’t appropriate to charge the handler for leaving the scene if they do not know of an injury. To resolve this we have included “knowingly” in the recommended language.
- The person may need to leave the scene for safety of dogs or handler.

For example:

- If there are multiple dogs on the scene, it could be dangerous to all parties (dogs and handlers) to remain on the scene.
- If the handler is a minor, it wouldn’t be appropriate for them to give out their information directly to another party. They may not understand the situation fully, including if they are being taken advantage of by the “injured” in order to get their contact information.

Having the option to notify the police, rather than hand out personal information directly to another party, especially for minors, is very important. This ensures that someone of authority has been notified, and personal information is available as needed.

The statute in Maine law would be another appropriate direction for this bill.

§3955. Leaving the scene of an assault by a dog that causes an injury that requires medical attention for a person  
<https://legislature.maine.gov/statutes/7/title7sec3955.html>

Again, thank you for your consideration of HB 1004-FN. We hope that you will make the suggested edits to this bill or vote this bill **Inexpedient to Legislate**.

Sincerely,

A handwritten signature in cursive script that reads "Angela Ferrari".

Angela Ferrari, President,  
Dog Owners of the Granite State

**Archived:** Thursday, March 10, 2022 2:23:40 PM

**From:** [NEH](#)


**Sent:** Tuesday, January 25, 2022 4:51:31 PM

**To:** ~House Criminal Justice and Public Safety

**Subject:** Opposition to HB1004

**Importance:** Normal

**Attachments:**

[HB 1004opposition.docx](#) 

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Sent as attachment for easy printing and in body of email for easy reading and link access

1/24/2022

Mr Chairman and Members of the House Criminal Justice and Public Safety Committee,

I am writing in opposition to [HB 1004](#) which would create a misdemeanor for anyone whose off leash dog causes a person an injury and leaves the site of the injury without providing ownership information.

On the surface this sounds reasonable except for it not also requiring the injured party to provide their personal information. However, I feel there is a measure of risk to the handing out of the personal information, particularly since the type of information beyond ownership is not stated.

I am very concerned that it might not be safe for the dog owner, or the person who is walking the dog, to give out contact information to anyone claiming that the dog injured them.

I've met all kinds while out walking my dogs over the years and know that people nervous about dogs may make unjust accusations.

What if it is not safe for the dog owner to stay at the scene and give information?

It could be unsafe due to agitated dogs barely under owner control. The best course of action may be to get away from the situation to calm the dogs.

It could be unsafe due to the location, say the tide coming in for example or being in a parking lot.

It could be unsafe because the person with the dog is a minor not an adult.

With the rage and mob actions that appear to blow up out of nowhere in all sorts of situations, the actions of others may make it unsafe for owner or custodian of the dog in question to remain on scene to give info.

An owner may feel that giving info to people verbally threatening violence is completely unsafe for themselves or their family.

All of this is presuming the owner even knows something has happened of course. It is quite possible the person walking the dog has no idea and no evidence that anything at all has happened.

What if a criminal act or act of animal cruelty on the part of the injured party was the cause of the situation? Would giving information in that situation be safe?

I am also concerned that the bill is very vague as to what 'injury' means exactly. As the owner of many an extra-large dog I can attest to the fact that an unwary male may find a wagging tail verging on a lethal weapon. However, I'm not sure that rises to the level of a reportable offense.

We already have in law strict liability for any damage done provided the person damaged was not in the commission of a crime in

**“Section 466:19**

*466:19 Liability of Owner or Keeper. – Any person to whom or to whose property, including sheep, lambs, fowl, or other domestic creatures, damage may be occasioned by a dog not owned or kept by such person shall be entitled to recover damages from the person who owns, keeps, or possesses the dog, unless the damage was occasioned to a person who was engaged in the commission of a trespass or other tort. A parent or guardian shall be liable under this section if the owner or keeper of the dog is a minor.”*

You can see our current law already covers situations such as if a minor is the dog owner or custodian. It also requires actual damage vs a more fluid word such as 'injury' which is used in the bill.

I think the law recently passed in Maine has a clearer meaning than HB1004 has and handles the situation better. See here

<https://legislature.maine.gov/statutes/7/title7sec3955.html>

HB1004 to my mind does not seem to have been thoroughly thought through for consequences. As a result, it has potential for risky results endangering owners and dogs and should not in my opinion pass. If it cannot be amended to align with current NH law and to make the requirements clearer I ask that you please vote to ITL.

Nancy Holmes  
New Boston, NH



AMERICAN  
KENNEL CLUB<sup>SM</sup>

**Stacey Ober, J.D.**  
Legislative Analyst  
Community Outreach  
New England Region

January 28, 2022

The Honorable Daryl Abbas, Chair  
New Hampshire House Committee on Criminal Justice and Public Safety  
LOB Room 204, 33 North State Street  
Concord, New Hampshire 03301

**RE: American Kennel Club Concerned with HB 1004, Penalties for Failure to Provide Information After an Animal Injury**

Dear Chair Abbas and Members of the House Committee:

Founded in 1884, the American Kennel Club (AKC) is a not-for-profit organization that is recognized as a trusted expert in canine health, breeding, and training. We advocate for the purebred dog as a family companion and promote the ideals of responsible dog ownership. We represent over 5,000 dog clubs nationally, including 14 in New Hampshire, which represent thousands of dog owners. In 2019, AKC licensed and sanctioned 141 events in New Hampshire where more than 24,300 dogs participated. Surveys estimate that exhibitors spend \$685 per show weekend, many of whom travel into New Hampshire to participate.

[HB 1004](#) would make failure to provide your contact information after a dog injures another person a misdemeanor crime. Leaving the scene of a dog attack without the owner or keeper identifying themselves ought to be prohibited. ***AKC's concern is that this bill is intended to promote responsible dog ownership, but the text, as filed, is vague and inconsistent with current state law.***

First, HB 1004 does not define the term "injury" leaving the requirement to provide your contact information open to subjective interpretation. Our recommendation is to use the term "serious bodily injury" which is defined at [RSA 625:11](#). This amendment would clarify that providing contact information is required when a victim has suffered an injury requiring medical attention.

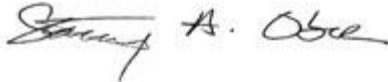
Second, under [RSA 466:19](#), dog bite victims can hold the owner or keeper of the dog that attacked them liable for personal injury and property damages whether the dog was leashed or not, except if the person was trespassing or committing wrongdoing or crime at the time of the dog bite. Contradictorily, as filed HB 1004 would charge a dog owner with a misdemeanor for failure to provide their contact information to someone injured by their dog even when trespassing on their property. Therefore, AKC offers the following recommended changes:

*IV. If a dog is off leash and bites or causes serious bodily injury to a person not trespassing or committing wrongdoing or crime at the time, and the person responsible*

*for the dog knowingly leaves the scene of the injury, without providing information about ownership of such dog to the person injured or to a police officer as soon as possible, such person shall be guilty of a misdemeanor.*

AKC respectfully urges committee adoption of these recommendations. Thank you for your consideration of our significant concerns. If I can be of any assistance, please do not hesitate to contact me at (919) 816-3348 or [Stacey.Ober@akc.org](mailto:Stacey.Ober@akc.org).

Sincerely,



Stacey Ober, JD  
Legislative Analyst and Community Outreach Coordinator, New England  
AKC Government Relations

CC: The Honorable Gary Hopper, Sponsor HB 1004  
Angela Ferrari, Dog Owners of the Granite State (DOGS)



HB 1004-FN - AS INTRODUCED

2022 SESSION

22-2283

08/10

HOUSE BILL            ***1004-FN***

AN ACT                relative to penalties for failure to provide information after an animal injury.

SPONSORS:            Rep. Hopper, Hills. 2; Rep. Erf, Hills. 2

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill makes it a misdemeanor to fail to provide information after a dog injures another person.

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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 Twenty Two*

AN ACT relative to penalties for failure to provide information after an animal injury.

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

1           1 New Paragraph; Dogs; Menace; Nuisance; Vicious. Amend RSA 466:31 by inserting after  
2 paragraph III the following new paragraph:

3           IV. If a dog is off leash and injures a person and the person responsible for the dog leaves  
4 the scene of the injury, without providing information about ownership of such dog, such person  
5 shall be guilty of a misdemeanor.

6           2 Effective Date. This act shall take effect January 1, 2023.

**HB 1004-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to penalties for failure to provide information after an animal injury.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. 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 Council	FY 2022	FY 2023
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
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. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.		
NH Association of Counties	FY 2022	FY 2023

County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. 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. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

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 may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

**AGENCIES CONTACTED:**

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