

CONSENT CALENDAR

February 23, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 1433-FN,**

AN ACT relative to penalties for poisoning dogs.

**Having considered the same, report the same with the
following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1433-FN
Title:	relative to penalties for poisoning dogs.
Date:	February 23, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses recommends that this bill be found inexpedient to legislate. The majority found that while the cause was commendable, the bill as written opened the door to many possible unintended consequences. The inability of the sponsors to explain what would and would not constitute a place where a citizen could legally place poison intended for vermin was just one of the problems with this bill. Further, the majority found that intentionally poisoning a pet would be covered by the current animal cruelty statutes.

Vote 17-2.

Rep. Terry Roy
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 1433-FN, relative to penalties for poisoning dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses recommends that this bill be found inexpedient to legislate. The majority found that while the cause was commendable, the bill as written opened the door to many possible unintended consequences. The inability of the sponsors to explain what would and would not constitute a place where a citizen could legally place poison intended for vermin was just one of the problems with this bill. Further, the majority found that intentionally poisoning a pet would be covered by the current animal cruelty statutes. **Vote 17-2.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1433-FN

BILL TITLE: relative to penalties for poisoning dogs.

DATE: February 23, 2022

LOB ROOM: 202-204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Roy

Seconded by Rep. Burt

Vote: 17-2

CONSENT CALENDAR: YES

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 1433 Motion: FTL AM #: N/A Exec Session Date: 2.23.22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	17		
Roy, Terry Vice Chairman	1		
Welch, David A.	.		1
Burt, John A.	2		
Hopper, Gary S. <i>RHODES</i>	3		
Green, Dennis E.	.	1	
Wallace, Scott Clerk	4		
Testerman, Dave	5		
True, Chris	6		
Pratt, Kevin M.	7		
Marston, Dick	8		
Harriott-Gathright, Linda C.	9		
Pantelakos, Laura C. <i>S. NEWMAN</i>	10		
O'Hearne, Andrew S. <i>JACR</i>	11		
Bordenet, John	12		
Meuse, David	13		
Newman, Ray E.	14		
Bouldin, Amanda C.		2	
Conley, Casey M.	15		
Bradley, Amy			2
Espitia, Manny	10		

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 #: HB1433 Motion: FTL AM #: _____ Exec Session Date: 2-22-23

TOTAL VOTE: _____

	17		2		2
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HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1433-FN

BILL TITLE: relative to penalties for poisoning dogs.

DATE: January 28, 2022

LOB ROOM: 204 **Time Public Hearing Called to Order:** 1:15 p.m.

Time Adjourned: 2:15 p.m.

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

Bill Sponsors:

Rep. Sullivan

TESTIMONY

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

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

Rep. **Sullivan** introduced the bill - supports.

Jerilee (Jeri) **ZeZula**, Co-Chair, Governor's Commission on the Humane Treatment of Animals - in support.

*Angela **Ferrari**, representing Dog Owners of the Granite State - in opposition. Recommends an amendment.

Kathy **Farley**, testifying for Nancy **Holmes** - in opposition.

Respectfully submitted,

Rep. Scott Wallace
Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB1433 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 6:57 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	1/23/2022 9:55 PM
Domenico, William	Manchester, NH bill@resunltd4u.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 10:01 AM
chapman, kevin	marlborough, NH denoet103@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 5:36 PM
LAFORME, PATRICIA	EAST KINGSTON, NH PLAFORME@COMCAST.NET	A Member of the Public	Myself	Support	No	No	1/25/2022 10:15 AM
Holmes, Nancy	New Boston, NH fmkaffen@ix.netcom.com	A Member of the Public	Myself	Oppose	No	No	1/25/2022 4:57 PM
Campbell, Kay	Epsom, NH kkccampbell43@yahoo.com	A Member of the Public	Myself	Support	No	No	1/26/2022 9:44 AM
Campbell, Karen	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 9:51 AM
Fraysse, Michael	Epsom, NH mikefraysse@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 10:07 AM
Zezula, Jerilee	Madbury, NH zezula2@comcast.net	A Member of the Public	The Governor's Commission on the Humane Treatment of Animals	Support	No	No	1/27/2022 7:10 AM
Snyder, Kristina	Chester, NH khsnyder22@yahoo.com	A Member of the Public	Myself	Support	No	No	1/27/2022 2:19 PM
Barger, Mary V	Manchester, NH mvbarger@yahoo.com	A Member of the Public	Myself	Support	No	No	1/27/2022 6:39 PM
Goodwin, Karianne	Manchester, NH iban1@comcast.net	A Member of the Public	Myself	Support	No	No	1/27/2022 6:43 PM

O'Brien, Joan

Amherst, NH
joanlobrien@yahoo.com

A Member of the Public Myself

Support No No

1/27/2022 11:28 PM



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 1433-FN, *relative to penalties for poisoning dogs*. On behalf of our membership of responsible local pet owners and breeders, D.O.G.S. respectfully **opposes** this bill as written.

We feel there is no need for a change in statute for negligent poisoning as it is currently covered in 644:8 III (h). Negligent poisoning would be considered “unnecessary suffering”, as outlined in current law.

644:8 Cruelty to Animals

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

In regards to the addition of **poison** in 644:8 III-a, making it a felony to purposely poison an animal, we feel that is an appropriate addition. Although, current law already outlines purposeful poisoning in 644:16, which HB 1443 would repeal.

644:16 Exposing Poisons

If any person shall in any way or place purposely expose an active poison or deadly substance for the destruction of any animal, or for any other purpose except the destruction of rats or other vermin in his own building or upon his crops, he shall be guilty of a violation.

HB 1443 would also repeal 466:42-a II. If the committee feels that repealing these 2 statutes with the purposeful poisoning text of HB 1443 is more appropriate and clears up any confusion, or loopholes, we would support the changes.

466:42-a Stealing Dogs; Tampering With Collars

II. *Whoever distributes or exposes a poisonous substance with intent that the same shall be eaten by any dog shall be liable to the dog's owner for its value and shall be guilty of a class B felony.*

Again, thank you for your consideration of HB 1433-FN. We hope that you will remove the section on negligent poisoning or vote this bill **Inexpedient to Legislate**.

Sincerely,

Angela Ferrari, President,
Dog Owners of the Granite State

Public Hearing on House Bill 1433-FN Relative to penalties for poisoning dogs
New Hampshire House of Representatives
Criminal Justice and Public Safety Committee

Written Testimony
Governor's Commission on The Humane Treatment of Animals

Jerilee A. Zezula, D.V.M., Co-Chair
Jennifer Eber, Esq., Co-Chair

Background Information

The Governor's Commission on the Humane Treatment of Animals advises the Governor on bills and current statutes related to the safety and welfare of domestic animals and New Hampshire citizens. To complete this task, the Commission as a whole identifies any new legislation related to this charge and reviews current statutes. New legislation is discussed and voted upon by the Commission to support, monitor or oppose a specific piece of legislation.

Last session, the Commission identified and opposed HB338 relative to penalties for dog theft and tampering with a dog's radio collar. This legislation, among other things, changed a current statute RSA 466:42-a (not in the Criminal Code) for poisoning a dog from misdemeanor to class B felony. We were not able to attend sessions in person to oppose this legislation but written testimony was flagged by the Senate Energy & Natural Resources Committee, Senator Avard asked us to consult with the bill sponsor and see if we might resolve our concerns. This bill, HB 1433-FN is the result of a discussion with the sponsor, Rep. Brian Sullivan, that allowed HB 338 to pass last session becoming the "new" NH RSA 466:42-a effective January 2022.

To look back at the details of the Commission's original objections to HB 338:

- While the Commission believed poisoning of an animal an act of cruelty, NH RSA 466:42-a is not in the Criminal Code and its content and enforcement may be overlooked by law enforcement.
- HB 338 (NH RSA 466:42-a) only covered poisoning of dogs. It did not include any other animals.
- NH RSA 644:16 Exposing Poisons is in the criminal code covering all animals except vermin with a violation penalty.
- NH RSA 466:42-a and NH RSA 644:16 are in direct conflict with each other regarding penalties imposed.

Support of HB 1433-FN

This fall, the Governor's Commission worked with the Representative Brian Sullivan to strengthen RSA 644:8 which addresses Cruelty to Animals law by rescinding the two conflicting statutes, and incorporating their intent and language into the cruelty statute.

NH RSA 644:8 is divided into two penalty sections – misdemeanor for negligent offenses and felony for purposeful offenses. NH RSA 644:8 III-a (felony offenses) consists of a subset of offenses from 644:8 III (misdemeanor offenses) and attaches the more serious mens rea (culpable mental state) – purposeful (intentional). This bill adds poisoning to both sections.

In doing research for this bill, a definition of poisoning was developed and an exemption for veterinarians licensed under NH RSA 332-B was added to preclude any treatment side effects and humane euthanasia from being interpreted as poisoning. In addition, by incorporating poisoning into RSA 644:8, all domestic animals, household pets, and wildlife in captivity are covered (except vermin) – not just dogs - and appropriate penalties are imposed.

See attached LSR's

**CHAPTER 466
DOGS AND CATS**

Miscellaneous

Section 466:42-a

[RSA 466:42-a effective until January 1, 2022; see also RSA 466:42-a set out below.]

466:42-a Stealing Dogs, etc. – Whoever wrongfully removes the collar from or steals a dog licensed and collared as aforesaid shall be guilty of a misdemeanor. Whoever distributes or exposes a poisonous substance with intent that the same shall be eaten by any dog shall be guilty of a misdemeanor and shall be liable to the dog's owner for its value.

[RSA 466:42-a effective January 1, 2022; see also RSA 466:42-a above.]

466:42-a Stealing Dogs; Tampering With Collars. –

I. Whoever steals a dog shall be guilty of a misdemeanor for the first and second offense, and a class B felony for each subsequent offense.

II. Whoever distributes or exposes a poisonous substance with intent that the same shall be eaten by any dog shall be liable to the dog's owner for its value and shall be guilty of a class B felony.

III. (a) An individual other than the owner or the authorized agent of the owner of a dog, shall not willfully or maliciously remove, tamper with, damage, or destroy a collar, tracking collar, or other electronic device placed on a dog by its owner to maintain control or locate the dog.

(b) An individual other than the owner or the authorized agent of the owner of a dog, shall not remove or cause to be removed a microchip from such dog.

(c) An individual who violates this paragraph shall be guilty of a misdemeanor.

(d) Nothing in this paragraph shall be construed to affect the actions of law enforcement, animal control, or an animal shelter in removing a collar or tracking collar if the dog is in imminent danger or after 7 consecutive days under RSA 466:18-a, and given that all possible effort was made to locate the dog's owner and documentation to that effect is maintained for one year.

Source. 1959, 1:1. 1969, 274:1. 1977, 588:6, eff. Sept. 16, 1977. 2021, 155:1, eff. Jan. 1, 2022.

**CHAPTER 644
BREACHES OF THE PEACE AND RELATED OFFENSES**

Section 644:16

644:16 Exposing Poisons. – If any person shall in any way or place purposely expose an active poison or deadly substance for the destruction of any animal, or for any other purpose except the destruction of rats or other vermin in his own building or upon his crops, he shall be guilty of a violation.

Source. 1971, 518:1, eff. Nov. 1, 1973.

1/25/2022

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

I am writing today in opposition to changes in the law outlined in HB 1433 Relative to penalties for poisoning dogs. In particular the area of 'negligence' when it comes to animals accidentally ingesting toxic substances.

I do wonder why only dog owners are targeted with this bill when other animals get into toxic substances also. The ASPCA poison report linked below indicates cats often get ill from lily poisoning for example. I also am confused about how it's not an issue if a dog gets into rodent bait but is negligence if it gets into another toxin.

There are so many ways an animal can accidentally get into a toxic substance. My understanding is that negligence is the failure to use reasonable care. It is very difficult to distinguish between an accident and negligence. Are all accidents considered negligence?

It is not clear in the bill what the expectation is on reporting that an animal has ingested a toxic substance in order for charges to be brought. Will veterinarians be required to report incidents?

If veterinary reporting is required, I am concerned that people might avoid seeking veterinary care for their sick pet, if they fear the pet had gotten into something toxic resulting in a criminal charge over an accidental occurrence. Will owners hold back critical information on the source or type of a toxin to avoid negligence charges? Even if the charges are specious it will still cost an owner time and probably money to fight them.

Is this bill actually promoting pet welfare? Or is it just one more burden on a pet owner facing veterinary bills?

The ASPCA runs an animal poison hotline and they list here top 10 poisons
<https://www.asPCA.org/news/announcing-top-10-pet-toxins>

In NH the 2019 data showed chocolate as the number one toxic issue but overall the top five toxins listed on the above link for pets are

"1. **Over the counter (OTC) medications** ... making up 19.7% of APCC calls. Ibuprofen, acetaminophen, joint rubs and herbal supplements all fall within this category.

2. **Human prescription medications** remained number two this year with accounting for 17.2% of cases.

3. **Food** is number three, making up 12.1% of cases. Xylitol, grapes, raisins, onions, garlic and protein bars make up most of these cases.

4. **Chocolate** remains at number four with 10.7% of APCC cases concerning this sweet treat. That works out to over 67 cases a day! Dogs especially love chocolate and can eat enough to get themselves into trouble.

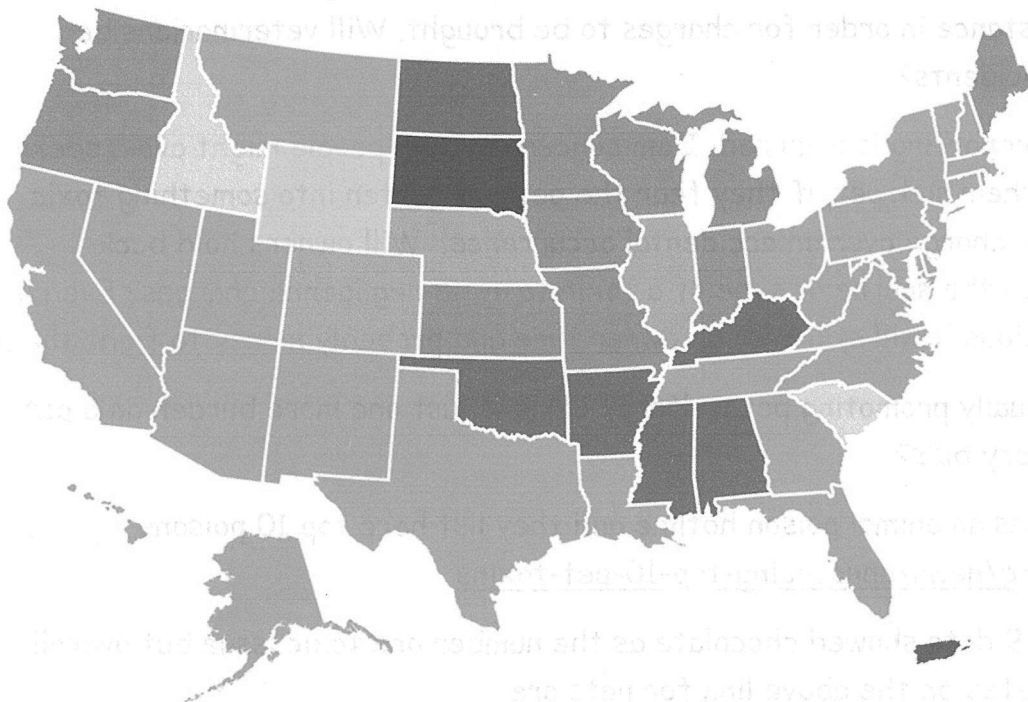
5. **Veterinary products** remained at 9.3% of cases. Chewable medications are tasty, and dogs will eat the entire container. "

From the above link

ASPCA | (888) 426-4435
Animal Poison Control Center

2019 Top Toxins Breakdown by State

For expert animal toxicology advice, call (888) 426-4435



Chocolate



Anticoagulant
Rat Poison



Xylitol



Bromethalin
Rat Poison



Ibuprofen



Vitamin D



Fly Attractant



Warfarin

Given the large number of readily available toxins, and how quick and clever our pets can be at accessing them, any pet may be exposed to a toxin and come to harm.

I think there is a huge difference between someone purposefully putting out bowls of antifreeze, or leaving spiked meats where dogs are walked and someone's pet accidentally getting into antifreeze from a leaky radiator or finding and eating a dropped/lost medication or medications out of a purse etc.

Considering veterinary care, I did not see anything exempting veterinarians who use toxic substances for humane euthanasia.

While I think the section on deliberate poisoning is reasonable, the changes to turn an accident into a misdemeanor is uncalled for and would be costly and ineffective to enforce. I also think that change has the potential to negatively impact pet veterinary care by adding an extra burden of concern to the decision to seek it.

An owner already bears the cost for accidental ingestion of toxins by pets. No need to punish them further. Please either ITL this bill or change the bill to remove the wording about negligence becoming a misdemeanor in it.

Nancy Holmes

New Boston, NH

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

From: NEH

Sent: Tuesday, January 25, 2022 4:57:14 PM

To: ~House Criminal Justice and Public Safety

Subject: Opposition to HB 1433-FN

Importance: Normal

Attachments:

HB 1433 opposition.docx ;

Copy attached for easy printing and in body of email for easy reading and link use

1/25/2022

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5. **Veterinary products** remained at 9.3% of cases. Chewable medications are tasty, and dogs will eat the entire container. "

From the above link



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Nancy Holmes
New Boston, NH



AMERICAN
KENNEL CLUBSM

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 1433, Penalties for Poisoning Dogs.

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 1433](#) would amend the animal cruelty statute as follows:

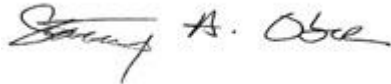
1. *Strike RSA 644:16 Exposing Poisons. – “If any person shall in any way or place purposely expose an active poison or deadly substance for the destruction of any animal, or for any other purpose except the destruction of rats or other vermin in his own building or upon his crops, he shall be guilty of a violation.”*
2. *Strike RSA 466:42-a, II Stealing Dogs; Tampering with Collars. – “Whoever distributes or exposes a poisonous substance with intent that the same shall be eaten by any dog shall be liable to the dog's owner for its value and shall be guilty of a class B felony;” and*
3. *Insert in RSA 644:8, III, Cruelty to Animals, Negligence, “A person is guilty of a misdemeanor for a first offense, and of a class B felony for a second or subsequent offense, who...” new subsection (f) Poison, - “Negligently poisons an animal by exposing, distributing, or administering an active poison or toxic substance causing harm or death to an animal. Substances administered in accordance with RSA 332-B and persons using poison to control rats and other vermin in either their building or to protect their crops shall be exempt from this Subparagraph.”*

AKC's concern is that these changes would remove from current statute the element of intent and would establish criminal strict liability for incidents of accidental dog poisoning.

According to AKC's Chief Veterinarian Officer, Dr. Klein, despite best efforts, accidents happen even to the best owners. A pet may gain access to a potentially harmful or fatal substance. Many toxins are common items in your home and yard. Some poisons are rather obvious and easy to avoid, while others are not so easily identifiable. A list of the top ten toxic substances are detailed in this May 2021, AKC article, ["Protect Your Dog From These Top 10 Pet Poisons."](#) In addition, nothing in HB 1433 would exempt licensed New Hampshire veterinarians from liability when appropriately euthanizing a dog.

Thank you for your consideration of our significant concerns. ***Our recommendation is to vote HB 1433, "Inexpedient to Legislate"***. If I can be of any assistance, please do not hesitate to contact me at (919) 816-3348 or Stacey.Ober@akc.org.

Sincerely,



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

CC: The Honorable Brian Sullivan, Sponsor HB 1433
Angela Ferrari, Dog Owners of the Granite State (DOGS)

HB 1433-FN - AS INTRODUCED

2022 SESSION

22-2301
08/04

HOUSE BILL ***1433-FN***

AN ACT relative to penalties for poisoning dogs.

SPONSORS: Rep. Sullivan, Sull. 1

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill includes poisoning as a type of cruelty to animals and makes it a felony to purposely poison an animal.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to penalties for poisoning dogs.

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

1 1 Cruelty to Animals; Negligence; Poison. Amend RSA 644:8, III to read as follows:

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

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

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

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

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

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

15 (f) ***Negligently poisons an animal by exposing, distributing, or administering an***
16 ***active poison or toxic substance causing harm or death to an animal. Substances***
17 ***administered in accordance with RSA 332-B and persons using poison to control rats and***
18 ***other vermin in either their building or to protect their crops shall be exempt from this***
19 ***subparagraph***

20 (g) Has in his or her possession an equine colt that is less than 90 days old that is not
21 being nursed by its dam, unless the colt was born in this state, and its dam has died within this
22 state before the colt became 90 days old;

23 ~~(g)~~ (h) Sells an equine colt that is less than 90 days old that is not being nursed by its
24 dam; or

25 ~~(h)~~ (i) Otherwise negligently permits or causes any animal in his or her possession or
26 custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any kind.

27 2 Cruelty to Animals; Poisoning Animals; Felony. Amend RSA 644:8, III-a to read as follows:

28 III-a. A person is guilty of a class B felony who purposely beats, cruelly whips, tortures,
29 ***poisons***, or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured,
30 ***poisoned***, or mutilated. ***Substances administered in accordance with RSA 332-B, and***

1 *persons using poison to control rats and other vermin in a dwelling place or to protect*
2 *crops, shall be exempt from this paragraph.*

3 3 Repeal. The following are repealed:

4 I. RSA 644:16, relative to exposing poisons to animals.

5 II. RSA 466:42-a, II, relative to poisoning dogs.

6 4 Effective Date. This act shall take effect January 1, 2023.

**HB 1433-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to penalties for poisoning dogs.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
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 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 – 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. 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.

Department of Corrections	FY 2022	FY 2023
FY 2021 Average Cost of Incarcerating an Individual	\$54,386	\$54,386
FY 2021 Annual Marginal Cost of a General Population Inmate	\$5,715	\$5,715
FY 2021 Average Cost of Supervising an Individual on Parole/Probation	\$603	\$603
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, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties