

Senate Energy and Natural Resources Committee

Griffin Roberge 271-3042

HB 338-FN, relative to penalties for dog theft and tampering with a dog's radio collar.

Hearing Date: April 19, 2021.

Time Opened: 2:07 p.m.

Time Closed: 2:28 p.m.

Members of the Committee Present: Senators Avard, Gray, Watters and Perkins Kwoka.

Members of the Committee Absent: Senator Giuda.

Bill Analysis: This bill makes the first instance of the crime of dog theft a misdemeanor, the second instance a class B felony, and any subsequent instance a class A felony.

This bill also makes it a crime to remove certain collars from certain dogs.

Sponsors:

Rep. Sullivan

Rep. Rollins

Rep. Goley

Rep. Comtois

Who supports the bill: Christine Avery; Representative Peter Bixby, Strafford - District 17; Rogers Bruce; Barb Burri; Kate Champney; Christine Cote; Gail Demasi; Karen Dewey; Kurt Ehrenburg, Humane Society of the United States; Cynthia Elisason; Joan Eversole; Angela Ferrari, Dog Owners of the Granite State; Marla Fields; Nancy Holmes, New Boston, NH; Robert Johnson, II, New Hampshire Farm Bureau; Holly Lewis; Ara Lynn; Marlene Moore; Joseph Mullin, Congressional Sportsmen's Foundation; Lana Nickerson; Stacey Ober, American Kennel Club; Gail Paludi; Diane Richardson, Springfield, NH; Kalla Robb; Michael Robb; Patty Robb; Erick Sawtelle, Lee, NH; Raymond Schwartz; Sheryl Skidmore; Representative Brian Sullivan, Sullivan - District 1; Susan Willumsen; Ellen Yenawine; Mallory Youtsey; Joseph Zalewski.

Who opposes the bill: Jerilee Zuzula, Governor's Commission on the Humane Treatment of Animals.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Brian Sullivan

Sullivan – District 1

- HB 338-FN is a reintroduction of HB 1117-FN (2020). HB 1117-FN was recommended “ought to pass with amendment” by a vote of 20-0 in the House Environment and Agriculture Committee. The committee placed the bill on the House consent calendar. The full House supported the committee’s recommendation by a voice vote. HB 1117-FN was referred to the House Criminal Justice and Public Safety Committee. The committee recommended the bill “ought to pass” by a vote of 17-3. However, the bill died because of the COVID-19 pandemic and the suspension of legislative activity.

- HB 338-FN was recommended “ought to pass with amendment” by a vote of 19-2 out of the House Environment and Agriculture Committee. The full House supported the committee’s recommendation on a voice vote.
- HB 338-FN was filed at the request of Ms. Diane Richardson, a Springfield constituent.
- HB 338-FN repeals and amends RSA 466:42-a to increase the criminal penalties to those who steal a dog. Anyone guilty of doing so will be charged with a misdemeanor for the first offense, a class B felony for the second offense, and a class A felony for each subsequent offense.
- HB 338-FN also increases the penalty for poisoning a dog from a misdemeanor to a class B felony and requires the liable party to be responsible for the dog’s value.
- HB 338-FN also makes it a misdemeanor to 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. The bill also prohibits the removal of a microchip from a dog unless done so by the owner or the authorized agent of the dog’s owner.
- Senator Watters said the committee received an e-mail from the co-chairs of Governor’s Commission on the Humane Treatment of Animals expressing opposition to HB 338-FN. The Commission felt RSA 644:16 addressed the poisoning of animals and HB 338-FN creates confusion. Additionally, HB 338-FN lacked any reference to a mens rea for the offense of poisoning a dog and only provides for a dog’s value. HB 338-FN does not provide any additional damages such as medical care or attorney’s fees. He asked Representative Sullivan if could respond to these concerns and if they were raised in the House Environment and Agriculture Committee.
 - Representative Sullivan said he was not aware of these concerns in the House Environment and Agriculture Committee. Representative Sullivan said that HB 338-FN repeals and replaces RSA 466:42-a, which deals with the theft and poisoning of dogs. There should be no redundancy. HB 338-FN closely resembles the existing RSA 466:42-a and expands it.
- Senator Watters said it was his understanding that a reference to mens rea did not need to be in state statute for an attorney to bring it forward as a possible defense.
 - Representative Sullivan he is not an attorney but believed Senator Watters was correct.

Stacey Ober – provided written testimony

Legislative Analyst and Community Outreach Coordinator, American Kennel Club

- RSA 466:42-a has not been updated since 1977. HB 338-FN would modernize the statute and increase penalties for stealing or poisoning a dog, as well as include penalties for tampering with a dog’s tracking collar or other electronic device used to control or locate the dog.
- Dog theft has been on the rise for several years, especially during the COVID-19 pandemic when many people stayed home and looked for companionship. An estimated two million domestic dogs are stolen each year in the US. There are many individuals who recognize the value of purebred dogs and are looking for ways to make quick cash or breed the dogs for money. For example, a trained, average pointing dog without a lot of performance titles can be worth over \$5,000.
- Animal rights activists have been known to cut the tracking collars of hunting dogs to “rescue” them and bring them to an animal shelter. Tracking collars range from a few hundred to over \$1,000 with the handset included.

Diane Richardson – provided written testimony

Springfield, NH

- There is a growing use of GPS and Bluetooth tracking collars for pet dogs like Link, Whistler, and Findster. Many working and non-working dogs wear these collars. However, current state statute does not specifically address tracking collars, tracking devices, or identification microchips. This absence has caused law enforcement to be hesitant to press charges for tracking collar tampering or removal.
- Animal rights groups have caught hunting/working dogs and removed their tracking collars to “save them.” This is a growing trend across the country, which has grown due to social media. Tracking collars can cost between \$100-600.
- Many other states have tracking collar laws that they publicize to make people think twice before tampering with collars and to enable better punishment outcomes.
- Responded to the concerns raised by the Governor’s Commission on the Humane Treatment of Animals. HB 338-FN closely resembles the existing RSA 466:42-a, but simply expands the statute to include harsher penalties and references to tracking collars and microchips.

Angela Ferrari

Dog Owners of the Granite State

- Tracking devices placed on dogs should remain intact. State statute needs to be modernized to place penalties on those who willfully or maliciously remove, tamper with, damage, or destroy a collar.

Joseph Mullin – provided written testimony

Assistant Manager of Northeastern States, Congressional Sportsmen's Foundation (CSF)

- HB 338-FN would implement increased protections for NH's sporting dogs and their sportsmen and women companions who join them in the field. HB 338-FN sets substantial penalties on those who steal a dog or remove, tamper with, damage, or destroy a dog's collar.
- Dogs play a special role in the hunting community by tracking game, pointing and flushing upland birds, and retrieving downed waterfowl. Dogs are an asset to sportsmen and are treated as such. Dogs are a regular part of NH's hunting culture and play a vital role to volunteer leashed dog trackers, and to sportsmen in the field and on the water.
- The removal of a dog's collar or complete theft of the dog is a serious, outward attack on the hunter's ability to enjoy our nation's time-honored traditions. Hunters spend a serious amount of time and money to invest in a tracking collar and to adequately train their hunting dogs. RSA 207:57 should cover the illegal tampering with a dog's collar or the dog's theft, but HB 338-FN explicitly protects hunting dogs in state statute. Increased penalties can deter future cases of hunter harassment.

Kurt Ehrenburg

NH State Director, Humane Society of the United States

- The Humane Society of the United States supports HB 338-FN.
- Stealing one's dog leaves an impact on both the family and the dog.

Representative Peter Bixby

Strafford – District 17

- HB 1117-FN (2020) and HB 338-FN both had strong support in the House.
- Senator Watters said the committee received an e-mail from the co-chairs of Governor's Commission on the Humane Treatment of Animals expressing opposition to HB 338-FN. The Commission felt RSA 644:16 addresses the poisoning of animals and HB 338-FN creates confusion. Additionally, HB 338-FN lacked any reference to a mens rea for the offense of poisoning a dog and only provides for a dog's value. HB 338-FN does not provide any additional damages such as medical care or attorney's fees. He asked Representative Bixby if any of these concerns were raised in the House Environment and Agriculture Committee.
 - Representative Bixby said he was not aware of any of the Commission's concerns. He could not respond to their concerns with HB 338-FN.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

GJR

Date Hearing Report completed: April 19, 2021.