

HB 497 – AS INTRODUCED

2013 SESSION

13-0052
08/09

HOUSE BILL **497**

AN ACT relative to negligent treatment of animals.

SPONSORS: Rep. Cebrowski, Hills 7; Rep. Graham, Hills 7; Rep. Villeneuve, Hills 7; Rep. Keith
Murphy, Hills 7; Rep. Danielson, Hills 7

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill:

I. Defines negligence regarding animal treatment.

II. Requires persons convicted of animal cruelty to take an animal cruelty prevention education program.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to negligent treatment of animals.

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

1 1 New Paragraph; Cruelty to Animals; Negligence. Amend RSA 644:8 by inserting after
2 paragraph II-a the following new paragraph:

3 II-b. In this section, “negligence” or “negligently” in regard to an animal means a person acts
4 inattentively or carelessly when he or she fails to become aware of a substantial and unjustifiable
5 risk that exists or will result for the animal from his or her conduct.

6 2 Cruelty to Animals; Negligence. Amend RSA 644:8, III(e)-(f) to read as follows:

7 (e) Negligently abandons any animal previously in his **or her** possession or custody by
8 causing such animal to be left without supervision or adequate provision for its care, sustenance, or
9 shelter; ~~or~~

10 (f) Otherwise negligently permits or causes any animal in his **or her** possession or
11 custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any kind~~[-];~~**or**

12 ***(g) Otherwise negligently permits or causes any animal in his or her possession
13 or custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any
14 kind, including exhibiting open sores, being underweight, having been living in its feces, or
15 living in a shelter or necessary shelter where the ammonia level is 15 parts per million or
16 more.***

17 3 Cruelty to Animals; Penalties; Negligence. Amend RSA 644:8,V(a) to read as follows:

18 V.(a) In addition to being guilty of crimes as provided in paragraphs III and III-a, any
19 person charged with cruelty to animals may have his or her animal confiscated by the arresting
20 officer and, upon said person’s conviction of cruelty to animals, the court may dispose of said animal
21 in any manner it decides. Courts shall give cases in which animals have been confiscated by an
22 arresting officer priority on the court calendar. The costs, if any, incurred in boarding and treating
23 the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said
24 person for cruelty to animals, shall be borne by the person so convicted. ***In addition, the court
25 shall require the convicted person to attend an Animal Rescue League animal cruelty
26 prevention education program, or a program deemed equivalent by the convicting court,
27 within 90 days of such conviction and provide a certificate of completion of such program
28 to the court. Other sentencing provisions may include a psychological evaluation and
29 treatment of the convicted person where the costs of such evaluation and treatment shall
30 be borne by the convicted person.*** In addition, the court may prohibit any person convicted of
31 animal cruelty from having future ownership or custody of other animals for any period of time the

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1 court deems reasonable or impose any other reasonable restrictions on the person's future ownership
2 or custody of animals as necessary for the protection of the animals.
3 4 Effective Date. This act shall take effect January 1, 2014.