

SB 15-FN – AS INTRODUCED

2015 SESSION

15-0267
08/03

SENATE BILL ***15-FN***

AN ACT requiring owners of companion animals to leash such animals in the presence of a service dog.

SPONSORS: Sen. Reagan, Dist 17

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill requires owners of companion animals to leash such animals in the presence of a service dog.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT requiring owners of companion animals to leash such animals in the presence of a service dog.

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

1 1 Service Animals May Accompany; Leashed Companion Animals. Amend RSA 167-D:4 to read
2 as follows:

3 167-D:4 Service Animals May Accompany.

4 ***I.*** It is lawful for any service animal to accompany his or her handler or trainer into any
5 public facility, housing accommodation, or place of public accommodation to which the general public
6 is invited, subject only to the conditions and limitations established by law and applicable alike to all
7 persons.

8 ***II.*** ***A person who owns a companion animal shall restrain and control such animal***
9 ***on a leash when in proximity to a service dog that is lawfully accompanying his or her***
10 ***handler or trainer under paragraph I. Failure to leash such a companion animal shall be***
11 ***a misdemeanor.***

12 2 Effective Date. This act shall take effect January 1, 2016.

SB 15-FN - FISCAL NOTE

AN ACT requiring owners of companion animals to leash such animals in the presence of a service dog.

FISCAL IMPACT:

The Judicial Branch, Judicial Council, and New Hampshire Association of Counties state this bill, **as introduced**, may increase state and county expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact on local expenditures or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch, Department of Justice, Judicial Council and New Hampshire Association of Counties state this bill establishes an unspecified misdemeanor for failing to leash a companion animal when in the proximity of a service dog that is lawfully accompanying his or her handler or trainer. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor. 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 Judicial Branch, Judicial Council and New Hampshire Association of Counties have provided the potential costs associated with the penalties contained in this bill, where they can be determined. See table below for average cost information:

| | FY 2016 | FY 2017 |
|--|--|--|
| <u>Judicial Branch*</u> | | |
| Class B Misdemeanor | \$48 | \$51 |
| Class A Misdemeanor | \$69 | \$71 |
| Appeals | Varies | Varies |
| *It should be noted average case cost estimates for FY 2016 and FY 2017 are based on data that is more than nine 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. | | |
| <u>Judicial Council#</u> | | |
| Public Defender Program | Has contract with State to provide services. | Has contract with State to provide services. |
| Contract Attorney – Misdemeanor | \$275/Case | \$275/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. 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%). | | |
| <u>NH Association of Counties</u> | | |
| County Prosecution Costs | Indeterminable | Indeterminable |
| County Enforcement Costs | Indeterminable | Indeterminable |
| Estimated Average Cost of Incarcerating an Individual | \$35,000 | \$35,000 |

The Department of Justice states these types of offenses are typically prosecuted by local and county prosecutors, therefore this bill will have no fiscal impact on state expenditures.