

HB 1226-FN - AS INTRODUCED

2022 SESSION

22-2381

08/11

HOUSE BILL            ***1226-FN***

AN ACT                prohibiting the declawing of cats.

SPONSORS:            Rep. Kenney, Straf. 6; Rep. Vail, Hills. 30; Rep. Rogers, Merr. 28; Rep. Horrigan,  
Straf. 6; Rep. Schultz, Merr. 18

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This bill creates a criminal penalty for declawing a cat.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting the declawing of cats.

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

1 1 New Section; Removal of Claws from Cats. Amend RSA 644 by inserting after section 8-g the  
2 following new section:

3 644:8-h Removal of Claws from Cats Prohibited.

4 I. No person shall remove the claws of a cat by performing an onychectomy, partial or  
5 complete phalangectomy, or a tendonectomy, by any means, on a cat except when necessary in order  
6 to address the physical medical condition of the cat, such as an existing or recurring illness,  
7 infection, disease, injury, or abnormal condition in the claw that compromises the cat's health. No  
8 person shall remove the claws of a cat for cosmetic or aesthetic reasons or for reasons of convenience  
9 in keeping or handling the cat.

10 II. Any person who violates this section shall be guilty of a class B misdemeanor.

11 2 Effective Date. This act shall take effect upon its passage.

**HB 1226-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT prohibiting the declawing of cats.

**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 a penalty 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 of Justice, Judicial Council, and New Hampshire Association of Counties