

HB 1389-FN - AS INTRODUCED

2020 SESSION

20-2087
08/05

HOUSE BILL ***1389-FN***

AN ACT relative to criminal penalties for not providing adequate food, water, and shelter for animals.

SPONSORS: Rep. Rogers, Merr. 28; Rep. K. Murray, Rock. 24; Rep. Kenney, Straf. 6

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill requires adequate food, water, and shelter for animals and defines criminal penalties for not providing adequate food, water, and shelter for animals.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to criminal penalties for not providing adequate food, water, and shelter for animals.

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

1 1 New Paragraphs; Adequate Food and Water. Amend RSA 644:8 by inserting after paragraph
2 II-a the following new paragraphs:

3 II-b. In this section, "adequate food and water" means access to clean, fresh, potable water of
4 a drinkable temperature that is provided in sufficient volume, in clean, durable receptacles that are
5 accessible to each animal, and at suitable intervals appropriate for the weather and temperature, to
6 maintain normal hydration for the age, species, condition, size, and type of each animal; and access
7 to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal
8 in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the
9 age, species, condition, size, and type of each animal; is provided in a clean and sanitary manner;
10 and is provided at suitable intervals for the species, age, and condition of the animal, but at least
11 once daily, except as prescribed by a veterinarian.

12 II-c.(a) For any dog left outside and unattended for more than 30 minutes during any period,
13 the dog shall be provided a shelter that is moisture-proof, wind-proof and of suitable size to
14 accommodate the dog, allowing for freedom of movement to make normal postural adjustments,
15 including the ability to stand, turn around and lie down with limbs outstretched. Such shelter shall
16 be made of durable material with a solid, moisture-proof floor raised at least 3 inches from the
17 ground. The roof shall extend 8 inches over the doorway and not permit rain to enter inside the
18 shelter. Such shelter shall not be constructed of metal or any other material that readily conducts
19 heat or cold.

20 (b) Between October 1st and April 30th, all structures shall have a windbreak at the
21 entrance and shall contain a sufficient quantity of suitable, clean bedding material consisting of
22 straw, cedar shavings, or the equivalent and provide insulation appropriate to local climate
23 conditions and sufficient to protect against cold and dampness. Hay, blankets, rags and other
24 materials that retain moisture shall not be utilized for bedding.

25 (c) Between May 1st and September 31st of any year, all dogs shall be given access to
26 one or more areas of shade by natural or artificial means large enough to accommodate the entire
27 body of the dog at one time to provide protection from the direct rays of the sun. Such shaded area
28 must be separate and outside of any shelter.

29 (d) No dog shall be left outside and unattended, regardless of access to an outdoor
30 shelter, for more than 15 minutes during any period in which a severe weather advisory or warning

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1 has been issued for the area by the National Weather Service, or if the temperature is below 32-
2 degrees Fahrenheit or above 90-degrees Fahrenheit. This includes but is not limited to a dog in a
3 securely fenced in yard, a dog in a kennel, or a tethered dog.

4 2 Cruelty to Animals; Negligence; Adequate Food and Water. Amend RSA 644:8, III(a) to read
5 as follows:

6 (a) Without lawful authority negligently deprives or causes to be deprived any animal in
7 his *or her* possession or custody necessary care, ***adequate food and water***, sustenance or shelter;

8 3 Effective Date. This act shall take effect January 1, 2021.

**HB 1389-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to criminal penalties for not providing adequate food, water, and shelter for animals.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
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 Branch	FY 2021	FY 2022
Class B Misdemeanor	\$54	\$56
Class A Misdemeanor	\$77	\$79
Simple Criminal Case	\$300	\$314
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten 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. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
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. 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%).		
Department of Corrections		
FY 2019 Average Cost of Incarcerating an Individual	\$44,400	\$44,400
FY 2019 Annual Marginal Cost of a General Population Inmate	\$5,071	\$5,071
FY 2019 Average Cost of Supervising an Individual on Parole/Probation	\$576	\$576
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

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 would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties