

HB 338-FN - AS INTRODUCED

2021 SESSION

21-0263

08/06

HOUSE BILL                    ***338-FN***

AN ACT                    relative to penalties for dog theft and tampering with a dog's radio collar.

SPONSORS:            Rep. Sullivan, Sull. 1; Rep. Rollins, Sull. 6; Rep. Goley, Hills. 8; Rep. Comtois, Belk. 7

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill makes the crime of dog theft a class B felony.

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

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to penalties for dog theft and tampering with a dog's radio collar.

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

1            1 Stealing Dogs; Tampering With Collars. RSA 466:42-a is repealed and reenacted to read as  
2 follows:

3            466:42-a Stealing Dogs; Tampering With Collars.

4            I. Whoever steals a dog shall be guilty of a class B felony.

5            II. Whoever distributes or exposes a poisonous substance with intent that the same shall be  
6 eaten by any dog shall be liable to the dog's owner for its value and shall be guilty of a class B felony.

7            III.(a) An individual other than the owner or the authorized agent of the owner of a dog,  
8 shall not willfully or maliciously remove, tamper with, damage, or destroy a collar, tracking collar, or  
9 other electronic device placed on a dog by its owner to maintain control or locate the dog.

10            (b) An individual other than the owner or the authorized agent of the owner of a dog,  
11 shall not remove or cause to be removed a microchip from such dog.

12            (c) An individual who violates this paragraph shall be guilty of a misdemeanor.

13            (d) Nothing in this paragraph shall be construed to affect the actions of law enforcement,  
14 animal control, or an animal shelter in removing a collar or tracking collar if the dog is in imminent  
15 danger or after 7 consecutive days under RSA 466:18-a, and given that all possible effort was made  
16 to locate the dog's owner and documentation to that effect is maintained for one year.

17            2 Effective Date. This act shall take effect January 1, 2022.

**HB 338-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to penalties for dog theft and tampering with a dog's radio collar.

**FISCAL IMPACT:**    ☒ **State**                      ☒ **County**                      ☐ **Local**                      ☐ **None**

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<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 increases the crime of dog theft and poisoning a dog from a misdemeanor offense to a class B felony and broadens the misdemeanor offense for wrongfully removing a collar to include damage or destroy a collar, tracking collar or electronic tracking device and microchip.

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	\$55	\$55
Class A Misdemeanor	\$78	\$78
Simple Criminal Case	\$309	\$309
Routine Criminal Felony Case	\$494	\$494
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 2020 Average Cost of Incarcerating an Individual	\$47,691	\$47,691
FY 2020 Annual Marginal Cost of a General Population Inmate	\$6,407	\$6,407
FY 2020 Average Cost of Supervising an Individual on Parole/Probation	\$584	\$584
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable

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