



House of Representatives

General Assembly

File No. 404

February Session, 2006

Substitute House Bill No. 5804

House of Representatives, April 5, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MONK PARAKEETS AND HEARINGS PRIOR TO THE EUTHANIZATION OF DOGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-358 of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2006*):

4 (a) Any owner or the agent of any owner of any domestic animal or
5 poultry, or the Chief Animal Control Officer or any animal control
6 officer or any municipal animal control officer, regional animal control
7 officer or any police officer or state policeman, may kill any dog which
8 he observes pursuing or worrying any such domestic animal or
9 poultry.

10 (b) Any person who is bitten, or who shows visible evidence of
11 attack by a dog, cat or other animal when such person is not upon the
12 premises of the owner or keeper of such dog, cat or other animal may
13 kill such dog, cat or other animal during such attack. Such person shall

14 make complaint concerning the circumstances of the attack to the Chief
15 Animal Control Officer, any animal control officer or the municipal
16 animal control officer or regional animal control officer of the town
17 wherein such dog, cat or other animal is owned or kept. Any such
18 officer to whom such complaint is made shall immediately make an
19 investigation of such complaint.

20 (c) If such officer finds that the complainant has been bitten or
21 attacked by such dog, cat or other animal when the complainant was
22 not upon the premises of the owner or keeper of such dog, cat or other
23 animal the officer shall quarantine such dog, cat or other animal in a
24 public pound or order the owner or keeper to quarantine it in a
25 veterinary hospital, kennel or other building or enclosure approved by
26 the commissioner for such purpose. When any dog, cat or other animal
27 has bitten a person on the premises of the owner or keeper of such
28 dog, cat or other animal, the Chief Animal Control Officer, any animal
29 control officer, any municipal animal control officer or regional animal
30 control officer may quarantine such dog, cat or other animal on the
31 premises of the owner or keeper of such dog, cat or other animal. The
32 commissioner, the Chief Animal Control Officer, any animal control
33 officer, any municipal animal control officer or any regional animal
34 control officer may make any order concerning the restraint or
35 disposal of any biting dog, cat or other animal as the commissioner or
36 such officer deems necessary. Notice of any such order shall be given
37 to the person bitten by such dog, cat or other animal within twenty-
38 four hours. The owner of such animal shall pay all fees as set forth in
39 section 22-333. On the fourteenth day of such quarantine the dog, cat
40 or other animal shall be examined by the commissioner or someone
41 designated by the commissioner to determine whether such quarantine
42 shall be continued or removed. Whenever any quarantine is ordered
43 under the provisions of this section, notice thereof shall be given to the
44 commissioner and to the person bitten or attacked by such dog, cat or
45 other animal within twenty-four hours. Any owner or keeper of such
46 dog, cat or other animal who fails to comply with such order shall be
47 fined not more than two hundred fifty dollars or imprisoned not more
48 than thirty days or both. If an owner or keeper fails to comply with a

49 quarantine or restraining order made pursuant to this subsection, the
50 Chief Animal Control Officer, any animal control officer, any
51 municipal animal control officer or regional animal control officer may
52 seize the dog, cat or other animal to insure such compliance and the
53 owner or keeper shall be responsible for any expenses resulting from
54 such seizure. Any person aggrieved by an order of any municipal
55 animal control officer, the Chief Animal Control Officer, any animal
56 control officer or any regional animal control officer may request a
57 hearing before the commissioner within fourteen days of the issuance
58 of such order. After such hearing, the commissioner may affirm,
59 modify or revoke such order as the commissioner deems proper. Any
60 dog owned by a police agency of the state or any of its political
61 subdivisions is exempt from the provisions of this subsection when
62 such dog is under the direct supervision, care and control of an
63 assigned police officer, has been vaccinated annually and is subject to
64 routine veterinary care.

65 (d) Any dog, while actually worrying or pursuing deer, may be
66 killed by the Chief Animal Control Officer or an animal control officer
67 or by a conservation officer or special conservation officer appointed
68 by the Commissioner of Environmental Protection, or by any police
69 officer or state policeman. The owner or keeper of any dog found
70 worrying or pursuing a deer shall be fined not less than twenty-five
71 dollars nor more than two hundred dollars or imprisoned not more
72 than sixty days or both.

73 (e) Any person who kills any dog, cat or other animal in accordance
74 with the provisions of this section shall not be held criminally or civilly
75 liable therefor.

76 (f) The owner of any dog, cat or other animal which has bitten or
77 attacked a person and has been quarantined pursuant to subsection (c)
78 of this section may authorize the humane euthanization of such dog,
79 cat or other animal by a licensed veterinarian at any time before the
80 end of the fourteenth day of such quarantine. Any such dog, cat or
81 other animal so euthanized before the end of the fourteenth day of

82 quarantine shall be examined for rabies by the Connecticut
83 Department of Public Health virology laboratory or any other
84 laboratory authorized by the Department of Public Health to perform
85 rabies examinations. The veterinarian performing the euthanasia shall
86 be responsible for ensuring that the head of the euthanized animal is
87 delivered by him or his designated agent within forty-eight hours to an
88 appropriate laboratory designated by said department for rabies
89 examination.

90 (g) Repealed by P.A. 05-175, S. 24.

91 (h) If any dog bites and seriously injures or kills another dog, the
92 Chief Animal Control Officer, any animal control officer or any
93 regional animal control officer or their authorized agents may, after
94 authorization from the commissioner, humanely euthanize the dog
95 that has bitten and seriously injured or killed another dog. The owner
96 or keeper of the dog that has bitten and seriously injured or killed
97 another dog may request a hearing before the commissioner and the
98 commissioner shall not authorize the euthanization of the dog until the
99 completion of such hearing.

100 Sec. 2. Section 26-92 of the 2006 supplement to the general statutes is
101 repealed and the following is substituted in lieu thereof (*Effective from*
102 *passage*):

103 (a) No person shall catch, kill or purchase or attempt to catch, kill or
104 purchase, sell, offer or expose for sale or have in possession, living or
105 dead, any wild bird other than a game bird, or purchase or attempt to
106 purchase, sell, offer or expose for sale or have in possession any part of
107 any such bird or of the plumage thereof except as acquired under the
108 provisions of this chapter. For the purposes of this section, the
109 following shall be considered game birds: The anatidae, or waterfowl,
110 including brant, wild ducks and geese; the rallidae, or rails, including
111 coots, gallinules and sora and other rails; the limicolae, or shore birds,
112 including snipe and woodcock; the gallinae, including wild turkeys,
113 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,
114 including crows. No person shall take or destroy any nest or any egg

115 of any wild bird or game bird. No person shall possess any nest or egg
 116 of any wild or game bird. English sparrows, starlings and, when found
 117 depredating ornamental trees, agriculture crops, livestock or wildlife,
 118 or when concentrated in such numbers as to constitute a public health
 119 or public safety hazard, crows, rock doves, monk parakeets and
 120 brown-headed cowbirds shall not be included among the birds
 121 protected by this [section] subsection. Any conservation officer and
 122 any other officer having authority to serve criminal process shall have
 123 the same powers relating to violations of the provisions of this section
 124 as are conferred by section 26-6, as amended.

125 (b) Notwithstanding the provisions of subsection (a) of this section,
 126 no person shall catch or kill or attempt to catch or kill a monk parakeet.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	22-358
Sec. 2	<i>from passage</i>	26-92

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Agriculture	GF - Cost	Potential	Potential
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Dept.(Probation); Department of Correction	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill would allow owners or keepers of dogs to request hearings with the Department of Agriculture (DOA). The DOA does not currently have a hearing officer. It is estimated that the cost to contract out per hearing would be \$500-\$1,000 and there could be 5 - 10 hearings requested per year.

Any revenue from the fines imposed under the bill concerning monk parakeets is anticipated to be minimal on an annual basis. To the extent that offenders are subject to incarceration or probation supervision in the community as a result of the bill, a potential cost to the criminal justice agencies exists. On the average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5804*****AN ACT CONCERNING MONK PARAKEETS AND HEARINGS PRIOR TO THE EUTHANIZATION OF DOGS.*****SUMMARY:**

This bill allows an animal control officer (ACO), with the agriculture commissioner's authorization, to humanely euthanize a dog that bites and seriously injures or kills another dog. The bill allows the owner or keeper to request a hearing with the commissioner. The commissioner cannot authorize the dog's euthanization until after the hearing. (The bill does not require notice, an investigation, or quarantine, as is the case with dogs that bite people (see BACKGROUND)).

The bill prohibits catching or killing a monk parakeet, or attempting to do either. By law, violators of bird protection laws are subject to a fine between \$10 and \$200, up to 30 days in prison, or both. Each bird killed or possessed is a separate offense (CGS § 26-98).

EFFECTIVE DATE: October 1, 2006 for dogs and upon passage for monk parakeets.

BACKGROUND***Dogs that Bite People***

By law, anyone who an animal bites can file a complaint with an ACO. If the complaint is true and the attack took place off the owner or keeper's property, the ACO must quarantine the animal. If the attack occurred on the owner or keeper's property, the officer can order the animal quarantined on the premises. The ACO can also issue orders to restrain or dispose of the animal. The owner or keeper can be fined up to \$25 or imprisoned for up to 30 days, or both, for failing to obey a quarantine or restraint order. The owner must pay all fees

accumulated for keeping the animal in a pound, plus legal costs.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0 (03/20/2006)