



Senate

General Assembly

File No. 390

February Session, 2010

Substitute Senate Bill No. 274

Senate, April 8, 2010

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT PROHIBITING THE UNREASONABLE CONFINEMENT AND TETHERING OF DOGS.

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

1 Section 1. Section 22-350a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) Any person who confines or tethers a dog [for an unreasonable
4 period of time] in an unreasonable manner shall be fined [not more
5 than] one hundred dollars for the first offense, [not less than one] two
6 hundred dollars [or more than two hundred fifty dollars] for a second
7 offense, and not less than two hundred fifty dollars or more than five
8 hundred dollars for any subsequent offense. Upon a third or
9 subsequent offense, an animal control officer may seize such dog, and
10 upon conviction for such third or subsequent offense, a court may
11 order forfeiture of such dog. Each day that a dog is confined or
12 tethered in an unreasonable manner shall constitute a separate offense.

13 (b) For purposes of this section, a person confines a dog in an

14 unreasonable manner if: (1) For one dog, such person places such dog
15 in an enclosure that consists of less than one hundred square feet of
16 space and there is evidence that such enclosure is the primary location
17 where such dog eats, drinks, sleeps and eliminates waste, or (2) for two
18 or more dogs, such person places two or more dogs in an enclosure
19 that consists of less than one hundred fifty square feet of space, and
20 less than fifty additional square feet of space for each additional dog
21 over two dogs, and there is evidence that such enclosure is the primary
22 location where such dogs eat, drink, sleep and eliminate waste.

23 (c) For purposes of this section, a person tethers a dog in an
24 unreasonable manner if such person attaches such dog, when the
25 owner or keeper is not outside in the presence of such dog, to a
26 stationary object, including, but not limited to, a tree, dog house or
27 fence or attaches such dog to a moveable device, including, but not
28 limited to, a pulley or trolley: (1) By means of a choke or prong-type
29 collar or any means other than a properly fitted collar, harness or other
30 device designed expressly for such purpose; (2) by any means other
31 than a lightweight cable that allows such dog to travel not less than ten
32 feet in any one direction; (3) in a manner that obstructs such dog's
33 access to nonfrozen water or shelter, or food when it is provided in
34 accordance with subsection (a) of section 53-247; (4) in a manner that
35 prevents such dog from lying, sitting or standing without the collar,
36 harness, lightweight cable or other device used to restrain the dog
37 becoming taut; or (5) in a manner that results, or reasonably could
38 result, in the injury, strangulation or entanglement of such dog.

39 (d) The space requirements described in subsection (b) of this
40 section and the prohibition on tethering to a stationary object
41 described in subdivision (1) of subsection (c) of this section shall not be
42 construed to apply to: (1) Any kennel licensed pursuant to section 22-
43 342; (2) any commercial kennel, training facility or grooming facility
44 licensed pursuant to section 22-344; (3) any facility utilized by a
45 nonprofit corporation that is organized for animal welfare purposes,
46 for the temporary boarding of any dog that is in need of a new owner;
47 (4) any pound, as defined in section 22-380e; (5) any veterinary practice

48 licensed pursuant to section 20-197; (6) any exhibition, show, contest or
 49 other temporary event in which the skill, breeding, or stamina of the
 50 dog is judged or examined; (7) any exhibition, class, session or other
 51 temporary event in which dogs are being used lawfully to hunt a
 52 species of wildlife in this state during the hunting season for that
 53 species or lawfully receiving training to hunt wildlife; (8) any camping
 54 or recreation area, in accordance with any applicable rule or ordinance;
 55 or (9) any federal, state or local law enforcement agency or military or
 56 National Guard unit.

57 (e) The space requirements of subsection (b) of this section shall not
 58 be construed to apply to any pet shop licensed pursuant to section 22-
 59 344.

60 (f) It shall be an affirmative defense to a charge alleging violation of
 61 the space requirements of subsection (b) of this section or the
 62 prohibition on tethering to a stationary object in violation of
 63 subdivision (1) of subsection (c) of this section that such dog is
 64 regularly released from confinement or tethering, as applicable, in
 65 order to lawfully hunt wildlife or lawfully receive training to hunt
 66 wildlife.

67 (g) Nothing in this section shall be construed to affect any other
 68 protection afforded to dogs under any other provision of the general
 69 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	22-350a

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See below

Municipal Impact: See below

Explanation

The bill requires a person to keep a dog tethered in plain view of an investigating animal control officer. To the extent that a dog is not in plain view of an investigating state or municipal animal control officer¹, significant costs may be incurred for additional state and municipal animal control officers to investigate and enforce the provisions of the bill.

If a third or subsequent offense of the bill's provisions occur, the animal control officer and a second officer is required to obtain a search and seizure warrant to obtain the dog. If this occurs, the dog would be impounded in a municipal animal control facility, with the municipality being responsible for the feeding and veterinary care of the dog until the case is heard in Superior Court. It is anticipated that the case could take up to a year to be heard in Superior Court. To the extent that an increased number of dogs are impounded in municipal animal control facilities, there could be significant costs for municipalities to feed and care for the dogs.

The Out Years

State Impact: See above

Municipal Impact: See above

¹ There are eight state animal control officers, within the Department of Agriculture, and approximately 350 full and part-time municipal animal control officers.

OLR Bill Analysis**sSB 274*****AN ACT PROHIBITING THE UNREASONABLE CONFINEMENT AND TETHERING OF DOGS.*****SUMMARY:**

Current law prohibits confining or tethering a dog for an unreasonable period of time. This bill instead prohibits confinement or tethering in an unreasonable manner, establishes standards to determine if such activity has taken place, and changes the fines and penalties for such action. It allows an animal control officer to seize a dog in certain situations. Some of the bill's prohibitions do not apply to certain individuals, facilities, organizations, and events. It also establishes an affirmative defense to an allegation of prohibited confinement or tethering.

EFFECTIVE DATE: October 1, 2010

CONFINEMENT AND TETHERING IN AN UNREASONABLE MANNER***Confinement***

Under the bill, a person confines a dog in an unreasonable manner if: (1) for one dog, the dog is placed in an enclosure of less than 100 square feet and there is evidence that it is the primary location where the dog eats, drinks, sleeps, and eliminates waste or (2) for two or more dogs, the dogs are in an enclosure of less than 150 square feet and less than 50 square feet for each additional dog over two, and there is evidence it is the primary location for the activities listed above.

Tethering

A person tethers a dog in an unreasonable manner if he or she attaches the dog, when the owner or keeper is not outside in the dog's

presence, to a stationary object such as a tree, dog house, or fence or attaches the dog to a moveable device such as a pulley or trolley:

1. by use of a choke or prong-type collar or any means other than a properly fitted collar, harness, or other device designed expressly for such purposes;
2. by any means other than a lightweight cable allowing the dog to travel at least 10 feet in any one direction;
3. in a way preventing the dog from lying, sitting, or standing without the collar, harness, lightweight cable, or other device used to restrain the dog becoming taut; or
4. in a way that results, or reasonably could result in injury, strangulation, or entanglement.

Tethering in an unreasonable manner also includes obstructing the dog's access to nonfrozen water, shelter, or food if done in a cruel manner.

Offenses

Currently, a person confining or tethering a dog for an unreasonable time faces a fine of up to \$100 for a first offense, between \$100 and \$250 for a second offense, and between \$200 and \$500 for subsequent offenses.

Under the bill, confining or tethering a dog in an unreasonable manner results in a fine of \$100 for the first offense, \$200 for a second, and between \$250 and \$500 for any subsequent offense. The bill authorizes an animal control officer, upon a third or subsequent offense, to seize the dog. A court can order forfeiture of the dog on conviction for a third or subsequent offense. Each day of unreasonable confinement or tethering is a separate offense.

EXCEPTIONS TO CONFINEMENT AND TETHERING PROVISIONS

The space requirements and prohibitions on tethering to a stationary object by use of other than a properly fitted harness, collar,

or other device do not apply to:

1. a licensed kennel;
2. a licensed commercial kennel, training facility, or grooming facility;
3. any facility used by a nonprofit animal welfare corporation for temporarily boarding a dog needing a new owner;
4. any pound;
5. any licensed veterinary practice;
6. any exhibition, show, contest, or other temporary event in which the dog's skill, breeding, or stamina is judged or examined;
7. any exhibition, class, session, or other temporary event in which dogs are used lawfully to hunt wildlife in the state during hunting season or lawfully receiving training to do so;
8. any camping or recreation area, according to applicable rules and ordinances; and
9. any federal, state, or local law enforcement agency or military or National Guard unit.

Also, the bill's space requirements do not apply to a licensed pet shop.

Affirmative Defense

The bill specifies that it is an affirmative defense to a charge alleging violation of the space or tethering requirements that the dog is regularly released from confinement or tethering in order to lawfully hunt wildlife or lawfully receive training to do so.

The bill also provides that it does not affect other statutory protections for dogs.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 6 (03/19/2010)