

**MEMORANDUM IN SUPPORT OF**

**HB 5707, AN ACT requiring certain higher education facilities that conduct research using cats or dogs to offer such cats or dogs to animal rescue organizations prior to euthanizing any such cat or dog and providing for the proper sheltering of dogs and SB 361, AN ACT increasing the maximum penalty for persons convicted of malicious and intentional animal cruelty**

Founded in 1866 as the nation's first humane organization, the American Society for the Prevention of Cruelty to Animals (ASPCA), on behalf of our over 20,000 Connecticut supporters, respectfully but strongly urges the Environment Committee to:

**(1) Joint favorably report HB 5707:**

- **What does “proper shelter” mean?** The ASPCA has proposed a definition for “proper shelter” simply intended to provide reasonably humane shelter for a dog:

- **Soundly constructed, with four walls and a roof.** (*Recommended revision:* walls not required if they would pose an adverse risk in extreme heat)
- **Containing sufficient space for a dog to stand up, turn around, and lie down.** (*Recommended revisions:* clarify that dog can (1) stand up without touching the ceiling and (2) easily turn around in a full circle)
- **Adequately insulated given a dog's age and physical condition and the thickness of the dog's hair/fur.** (*Recommended revisions:* (1) delete reference to length of hair/fur; quantity of bedding should be proportional to size of shelter and dog)

(2) add shade requirement when exposure to sunlight would pose an adverse risk; (3) add requirement that amount of dry

- **Sufficiently clean and obstruction-free inside and outside** (*Recommended revision:* delete unnecessary references to rain/water from other sources)
- **Floor that is neither cold/wet dirt nor injurious wire.**
- **Easy access to unfrozen water and a normal day/night lighting cycle.**

- **There is precedent for legislative action on this type of issue.** In 2013, the Connecticut Legislature enacted a law to prohibit the tethering of dogs in extreme weather (i.e., upon issuance of a local, state, or federal weather advisory, or where the weather poses an adverse risk to a dog's health or safety).
- **Why is this bill needed?** In 2013, a Norwalk pit bull named “Lucy” was burned over most of her body, and her male companion and two puppies killed, when a space heater ignited the tarp that served as a roof over their makeshift doghouse. This proposed bill would help protect dogs from this and other unreasonable “shelter.”

Indeed, various ongoing situations in Connecticut that state and local animal control officers are unable to resolve in the absence of guidelines as to what constitutes proper shelter are a testament to the immediacy and necessity of this proposal:

- Dogs stuffed in crates too small for their bodies and in which they are unable to make normal postural adjustments.

- Shelters with no windbreaks, despite this winter's bitter cold.
- Dogs in lightless boxes.
- Dogs with no bedding to insulate them from the cold (in dog houses, unheated garages).

- **Other proposed revisions:**

- Require baseline temperature of freezing at which all dogs must have readily accessible shelter.
- Require that shelter be elevated
- Require that if shelter is located on pavement/asphalt, the area within 10 feet of the shelter be shaded from direct sunlight.
- Clarify that if a structure meeting the definition of a proper shelter is located within another building, the building need not constitute a proper shelter except that it must be soundly constructed.
- Change "infraction" to "violation"
- Include seizure authority, with the dog held until the shelter comes into compliance (as has been done in the NYS proper dog shelter law). Although HB 5707 improves the fine scheme, animal control officers have reported that fines, often quickly dismissed in court, often have little impact. Seizure authority would allow officers to quickly safeguard dogs, resolve shelter problems, and free up the courts.

**(2) Joint favorably report SB 361:**

- **Animal cruelty prosecutions rarely result in adequate penalties:**

- From 2002 to 2012, there were 3,699 animal cruelty prosecutions, of which 51% (1,883) were withdrawn (i.e., nolle) and 33% (1,210) dismissed. Additionally, of these prosecutions, 1.3% (or 48) were felony-level prosecutions, 22 of which were withdrawn or dismissed.
- From 2007-12, there 60 convictions (avg) per year, of which 40 (avg) received Accelerated Rehabilitation (AR) (a diversionary pre-trial program intended for crimes not of a serious nature that, upon successful completion by the defendant, results in charges being dismissed and the defendant's record expunged).
- Anecdotally as well, there have been repeated cases of animal cruelty being inadequately penalized. One of the most notorious is the recent case of Desmond, a pit bull/boxer who in 2012 was found beaten, starved, and strangled to death, but whose killer received AR.
- The fundamental violence of animal cruelty, as well as the well-established link between violence toward animals and violence toward people, also make animal cruelty a crime of a serious nature, in turn rendering AR an inappropriate response.

- **The principle underlying SB 361 – to make animal cruelty penalties proportional to the gravity of the crime – is thus sound, but given that increasing the maximum penalty from 5 years to 7 years on the first felony offense would not initially affect the application of AR in felony cruelty cases, as well as the overall lack of felony prosecutions, the ASPCA makes the following alternative proposal:**

- Create a category of felony "extreme neglect" (as New Jersey did in "Patrick's Law" in 2013).
  - Extreme neglect and affirmative acts resulting in bodily injury would be Class D felonies.
  - Extreme neglect and affirmative acts resulting in serious bodily injury or death would be Class C felonies.
- Eliminate AR for all affirmative acts of misdemeanor cruelty and all felony cruelty, so that only misdemeanor neglect would still be eligible for AR

Sincerely,



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