



State of Connecticut  
HOUSE OF REPRESENTATIVES  
STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE DIANA S. URBAN**  
FORTY THIRD ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING  
ROOM 4042  
HARTFORD, CT 06106-1591  
HOME: (860) 535-4868  
CAPITOL: 860-240-8710  
TOLL FREE: 1-800-842-8267  
FAX: (860) 240-0206  
E-MAIL: Diana.Urban@cga.ct.gov

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**Testimony in Support of HB 6187**

**Judiciary Committee**

**April 1, 2015**

Good Morning Chairpersons Coleman and Tong, Ranking Members Kissel and Rebimbas, and distinguished members of the Judiciary Committee. I appreciate the opportunity to testify in support of **House Bill 6187 AN ACT CONCERNING THE PROTECTION OF ANIMALS THAT ARE THE SUBJECT OF CRIMINAL COURT PROCEEDINGS.**

The fact that 80 percent of school shooters started by abusing animals is reason enough to place an animal advocate in court, to assure that the link between animal cruelty and future violent behavior is recognized and acted upon. Current records show that most animal cruelty cases result in Accelerated Rehabilitation (AR) or end up being nollied. Connecticut Judicial Department data gathered shows that for all data on animal cruelty from 2002 to 2011, 51 percent of all offenses were nollied or resulted in AR, meaning the state agreed not to prosecute and charges were eventually dismissed once the defendant completed any required programs. An additional 34 percent of all animal cruelty cases were dismissed outright. The remaining 15 percent resulted in guilty findings.

The proclivity to not take animal cruelty seriously is hard to fathom when we consider that Kip Kinkel started by putting firecrackers in the mouth of cats and blowing them up before killing his parents and then going to Thurston High School and killing 2 people and wounding 24. Eric Harris and Dylan Klebold bragged to schoolmates about mutilating animals before going to Columbine High School and killing 12 students, one teacher and injuring 21 additional students.

But it is not only this link between animal cruelty and future violent behavior that is unacceptable, it is the sheer violence of egregious acts of animal cruelty in and of themselves that we as a society should take seriously.

After the horrendous tragedy at Sandy Hook we are all looking for ways to detect the early signs of mental instability. Clearly animal cruelty is one. Since 1971, the FBI has recognized that animal cruelty is a red flag for future violent behavior and has used it in profiling. This bill allows for an animal advocate in court. Through discussions with our own UConn Law School

we will be using law students to act as advocates. This will also be open to any law school in Connecticut. In addition, law firms have already stepped up and offered their services pro bono. The Department of Agriculture will keep a list of potential advocates and I am happy to note that the Department feels they can do this without incurring a fiscal note. This is really an excellent example of collaboration and partnership to make a good thing happen without a large expenditure of money.

As I write this testimony there are over 70 letters of support from ordinary people who totally understand this link between animal cruelty and future violent behavior. This is an excellent low cost way to identify mental instability and require treatment as well as possible jail time to people who all too often start their careers of violence on helpless animals.

We have been referring to this bill as "Desmond's Law" that is because of a pit bull mix named Desmond who was starved, beaten and finally strangled to death. The prosecutor's summation was heart wrenching as he described the contents of Desmond's stomach; toilet paper and plastic that the dog has managed to scrounge from the bath room he was locked in for days at a time. He also had suffered fractured ribs, skull, and numerable internal injuries. The man who beat and killed Desmond had previously been arrested for attempting to strangle his girlfriend. She later refused to press charges which happens all too often in domestic violence cases. The couple has a baby. The young man received AR and will complete his program this month. The record of his egregious acts will be expunged.

I appreciated the committee's time in considering this bill and urge your support for it. Thank you.



# OLR RESEARCH REPORT

February 20, 2013

2013-R-0148

## ANIMAL CRUELTY CASES IN CONNECTICUT 2002-2012

By: Kristen L. Miller, Legislative Analyst II

This report summarizes Connecticut's primary animal cruelty statute (CGS § 53-247) and the outcome of offenses brought under it from 2002 to 2012. It updates the information contained in OLR Report 2011-R-0405.

### SUMMARY

CGS § 53-247 punishes people convicted of specified animal cruelty acts, with maximum fines ranging from \$1,000 to \$10,000, imprisonment ranging from maximum sentences of one to 10 years, or both. From 2002 to 2012, 3,699 offenses were brought under this statute. Of those offenses, 594 (16%) were found guilty, 7 (0.2%) were found not guilty, 1,210 (33%) were dismissed, and 1,883 (51%) were nolle (i.e., the prosecutor decided not to prosecute).

These statistics are based on offenses disposed of by the courts. It does not represent the number of persons charged. An individual could be charged with multiple offenses or have multiple cases during a year.

### ANIMAL CRUELTY STATUTE (CGS § 53-247)

Connecticut law defines "animals" as all brute creatures and birds (CGS § 29-108a). CGS § 53-247 prohibits many abusive behaviors toward animals and provides different penalties based on the severity of abuse and the abuser's intent.

## ***Cruelty to Animals***

CGS § 53-247(a), as amended by PA 12-86, prohibits people from overdriving, overloading, overworking, torturing, depriving of substance, mutilating, cruelly beating or killing, or unjustifiably injuring any animal. If impounding or confining an animal, it prohibits (1) failing to provide it proper care; (2) neglecting to cage or restrain it from injuring itself or another animal; or (3) failing to supply it with wholesome air, food, and water. The statute also bans unjustifiably administering or exposing a domestic animal to any poisonous or noxious drug or substance intending that the animal will take it. Individuals in custody of an animal may not act cruelly to it; fail to provide it with proper food, drink, or shelter; abandon it; or carry or cause it to be carried in a cruel manner. Fighting with or baiting, harassing, or worrying an animal to make it perform for amusement, diversion, or exhibition is also prohibited. A first offense is punishable by a fine of up to \$1,000, imprisonment for up to one year, or both. Each subsequent offense is punishable by a fine of up to \$5,000, imprisonment for up to five years, or both.

Under CGS § 53-247(b), maliciously and intentionally maiming, mutilating, torturing, wounding, or killing an animal is punishable by a fine of up to \$5,000, up to five years imprisonment, or both. This offense does not apply to (1) licensed veterinarians following accepted practice standards; (2) persons following approved slaughter methods; (3) students, employees, or persons performing medical research and associated with a hospital, educational institution, or laboratory; and (4) persons abiding by generally accepted agricultural practices or lawfully engaged in taking wildlife.

## ***Animals Engaged in Exhibition of Fighting***

Under CGS § 53-247(c), the following actions are also punishable by a fine of up to \$5,000, up to five years imprisonment, or both: knowingly

1. owning, possessing, keeping, or training an animal engaged in fighting for amusement or gain;
2. possessing, keeping, or training an animal to engage in a fighting exhibition for amusement or gain;
3. allowing such acts to occur on premises under one's control;
4. acting as a judge or spectator at such an exhibition; or

5. betting or wagering on the outcome of an exhibition.

***Intentionally Injuring or Killing Police Animals or Dogs in Volunteer Canine Service and Rescue Teams***

Under CGS § 53-247(d), intentionally injuring an animal performing its duties under a peace officer's supervision or intentionally injuring a dog performing its duties as a member of a volunteer canine search and rescue team, is punishable by a fine of up to \$5,000, up to five years imprisonment, or both.

And under CGS § 53-247(e), intentionally killing such an animal is punishable by a fine of up to \$10,000, up to 10 years imprisonment, or both.

**OUTCOME OF ANIMAL CRUELTY CASES**

The following tables summarize Judicial Department data on animal cruelty offenses from 2002 to 2012.

Table 1 shows the procedural outcome of animal cruelty offenses, by year. As the table shows, during this period 51% of the offenses were nolle, 33% were dismissed, and 16% resulted in guilty findings.

**Table 1: Procedural Outcome of Animal Cruelty Offenses, 2002 – 2012**

Finding	Total for Period	YEAR										
		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Bond Forfeiture	5	2	2	1	0	0	0	0	0	0	0	0
Dismissed	1210	255	108	62	33	140	146	107	100	83	89	87
Guilty	594	57	37	32	38	70	54	38	66	48	65	89
Not Guilty	7	3	0	0	0	0	1	3	0	0	0	0
Nolle	1883	111	201	249	130	212	138	217	136	125	167	197
<b>Total</b>	<b>3699</b>	<b>428</b>	<b>348</b>	<b>344</b>	<b>201</b>	<b>422</b>	<b>339</b>	<b>365</b>	<b>302</b>	<b>256</b>	<b>321</b>	<b>373</b>

Table 2 shows the number of animal cruelty offenses by statute and year. Ninety-eight percent of the offenses were violations of the statutory subsection prohibiting people from using or treating animals in harmful ways (CGS § 53-247(a)). (The other subsections penalize people for intentionally, knowingly, or maliciously abusing animals in specific ways.)

Table 2: Animal Cruelty Offenses by Statute, 2002 to 2012

Violation Description and Penalty	CGS	YEAR											Total
		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	
Cruelty to animals.	53-247(a)	419	344	341	192	419	323	356	286	252	308	367	3607
Malicious or intentional cruelty to animals.	53-247(b)	4	3	2	8	2	14	3	4	2	1	5	48
Knowingly engaging in the exhibition of fighting animals.	53-247(c)	5	1	1	0	0	0	0	11	2	11	0	31
Intentionally injuring a police animal or dog in a volunteer canine search and rescue team.	53-247(d)	0	0	0	1	1	2	6	1	0	1	1	13
Intentionally killing a police animal or dog in a volunteer canine search and rescue team.	53-247(e)	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>		<b>428</b>	<b>348</b>	<b>344</b>	<b>201</b>	<b>422</b>	<b>339</b>	<b>365</b>	<b>302</b>	<b>256</b>	<b>321</b>	<b>373</b>	<b>3699</b>

Attachments one through 11 show the outcomes of each statutory category of animal cruelty offenses for 2002 to 2012, respectively.

**Attachment 1: 2002 Procedural Outcomes of Animal Cruelty Offenses**

Statutory Section	Total	Bond Forfeiture	Dismissed	Guilty	Not Guilty	Nolle
CGS § 53-247(a)	419	2	253	55	0	109
CGS § 53-247(b)	4	0	0	2	2	0
CGS § 53-247(c)	5	0	2	0	1	2
CGS § 53-247(d)	0	0	0	0	0	0
CGS § 53-247(e)	0	0	0	0	0	0
<b>TOTAL</b>	<b>428</b>	<b>2</b>	<b>255</b>	<b>57</b>	<b>3</b>	<b>111</b>

**Attachment 2: 2003 Procedural Outcomes of Animal Cruelty Offenses**

Statutory Section	Total	Bond Forfeiture	Dismissed	Guilty	Not Guilty	Nolle
<u>CGS § 53-247(a)</u>	344	2	105	36	0	201
<u>CGS § 53-247(b)</u>	3	0	2	1	0	0
<u>CGS § 53-247(c)</u>	1	0	1	0	0	0
<u>CGS § 53-247(d)</u>	0	0	0	0	0	0
<u>CGS § 53-247(e)</u>	0	0	0	0	0	0
<b>TOTAL</b>	<b>348</b>	<b>2</b>	<b>108</b>	<b>37</b>	<b>0</b>	<b>201</b>

**Attachment 3: 2004 Procedural Outcomes of Animal Cruelty Offenses**

Statutory Section	Total	Bond Forfeiture	Dismissed	Guilty	Not Guilty	Nolle
<u>CGS § 53-247(a)</u>	341	1	62	30	0	248
<u>CGS § 53-247(b)</u>	2	0	0	2	0	0
<u>CGS § 53-247(c)</u>	1	0	0	0	0	1
<u>CGS § 53-247(d)</u>	0	0	0	0	0	0
<u>CGS § 53-247(e)</u>	0	0	0	0	0	0
<b>TOTAL</b>	<b>344</b>	<b>1</b>	<b>62</b>	<b>32</b>	<b>0</b>	<b>249</b>

**Attachment 4: 2005 Procedural Outcomes of Animal Cruelty Offenses**

Statutory Section	Total	Bond Forfeiture	Dismissed	Guilty	Not Guilty	Nolle
<u>CGS § 53-247(a)</u>	192	0	32	31	0	129
<u>CGS § 53-247(b)</u>	8	0	1	7	0	0
<u>CGS § 53-247(c)</u>	0	0	0	0	0	0
<u>CGS § 53-247(d)</u>	1	0	0	0	0	1
<u>CGS § 53-247(e)</u>	0	0	0	0	0	0
<b>TOTAL</b>	<b>201</b>	<b>0</b>	<b>33</b>	<b>38</b>	<b>0</b>	<b>130</b>

**Attachment 5: 2006 Procedural Outcomes of Animal Cruelty Offenses**

Statutory Section	Total	Bond Forfeiture	Dismissed	Guilty	Not Guilty	Nolle
<u>CGS § 53-247(a)</u>	419	0	140	68	0	211
<u>CGS § 53-247(b)</u>	2	0	0	1	0	1
<u>CGS § 53-247(c)</u>	0	0	0	0	0	0
<u>CGS § 53-247(d)</u>	1	0	0	1	0	0
<u>CGS § 53-247(e)</u>	0	0	0	0	0	0
<b>TOTAL</b>	<b>422</b>	<b>0</b>	<b>140</b>	<b>70</b>	<b>0</b>	<b>212</b>

**Attachment 6: 2007 Procedural Outcomes of Animal Cruelty Offenses**

Statutory Section	Total	Bond Forfeiture	Dismissed	Guilty	Not Guilty	Nolle
<u>CGS § 53-247(a)</u>	323	0	146	49	1	127
<u>CGS § 53-247(b)</u>	14	0	0	4	0	10
<u>CGS § 53-247(c)</u>	0	0	0	0	0	0
<u>CGS § 53-247(d)</u>	2	0	0	1	0	1
<u>CGS § 53-247(e)</u>	0	0	0	0	0	0
<b>TOTAL</b>	<b>339</b>	<b>0</b>	<b>146</b>	<b>54</b>	<b>1</b>	<b>138</b>

**Attachment 7: 2008 Procedural Outcomes of Animal Cruelty Offenses**

Statutory Section	Total	Bond Forfeiture	Dismissed	Guilty	Not Guilty	Nolle
<u>CGS § 53-247(a)</u>	356	0	106	35	2	213
<u>CGS § 53-247(b)</u>	3	0	0	1	1	1
<u>CGS § 53-247(c)</u>	0	0	0	0	0	0
<u>CGS § 53-247(d)</u>	6	0	1	2	0	3
<u>CGS § 53-247(e)</u>	0	0	0	0	0	0
<b>TOTAL</b>	<b>365</b>	<b>0</b>	<b>107</b>	<b>38</b>	<b>3</b>	<b>217</b>

**Attachment 8: 2009 Procedural Outcomes of Animal Cruelty Offenses**

Statutory Section	Total	Bond Forfeiture	Dismissed	Guilty	Not Guilty	Nolle
CGS § 53-247(a)	286	0	100	53	0	133
CGS § 53-247(b)	4	0	0	2	0	2
CGS § 53-247(c)	11	0	0	11	0	0
CGS § 53-247(d)	1	0	0	0	0	1
CGS § 53-247(e)	0	0	0	0	0	0
<b>TOTAL</b>	<b>302</b>	<b>0</b>	<b>100</b>	<b>66</b>	<b>0</b>	<b>136</b>

**Attachment 9: 2010 Procedural Outcomes of Animal Cruelty Offenses**

Statutory Section	Total	Bond Forfeiture	Dismissed	Guilty	Not Guilty	Nolle
CGS § 53-247(a)	252	0	82	46	0	124
CGS § 53-247(b)	2	0	0	1	0	1
CGS § 53-247(c)	2	0	1	1	0	0
CGS § 53-247(d)	0	0	0	0	0	0
CGS § 53-247(e)	0	0	0	0	0	0
<b>TOTAL</b>	<b>256</b>	<b>0</b>	<b>83</b>	<b>48</b>	<b>0</b>	<b>125</b>

**Attachment 10: 2011 Procedural Outcomes of Animal Cruelty Offenses**

Statutory Section	Total	Bond Forfeiture	Dismissed	Guilty	Not Guilty	Nolle
CGS § 53-247(a)	308	0	77	64	0	167
CGS § 53-247(b)	1	0	1	0	0	0
CGS § 53-247(c)	11	0	11	0	0	0
CGS § 53-247(d)	1	0	0	1	0	0
CGS § 53-247(e)	0	0	0	0	0	0
<b>TOTAL</b>	<b>321</b>	<b>0</b>	<b>89</b>	<b>65</b>	<b>0</b>	<b>167</b>

**Attachment 11: 2012 Procedural Outcomes of Animal Cruelty  
Offenses**

<b>Statutory Section</b>	<b>Total</b>	<b>Bond Forfeiture</b>	<b>Dismissed</b>	<b>Guilty</b>	<b>Not Guilty</b>	<b>Nolle</b>
<u>CGS § 53-247(a)</u>	367	0	87	86	0	194
<u>CGS § 53-247(b)</u>	5	0	0	2	0	3
<u>CGS § 53-247(c)</u>	0	0	0	0	0	0
<u>CGS § 53-247(d)</u>	1	0	0	1	0	0
<u>CGS § 53-247(e)</u>	0	0	0	0	0	0
<b>TOTAL</b>	<b>373</b>	<b>0</b>	<b>87</b>	<b>89</b>	<b>0</b>	<b>197</b>

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