



THE HUMANE SOCIETY
OF THE UNITED STATES

March 4, 2016

Environment Committee
Room 3200, Legislative Office Building
Hartford, CT 06106
(860) 240-0440

Re: **SUPPORT WITH AMENDMENTS, [SB 228](#)** (AAC DAMAGES FOR THE UNLAWFUL KILLING OR INJURING OF A COMPANION ANIMAL AND REQUIRING A REPORT FROM THE DEPARTMENT OF AGRICULTURE CONCERNING THE TETHERING OF DOGS.)

Dear Co-Chair Kennedy, Co-Chair Albis, and Honorable Members of the Environment Committee,

On behalf of the Connecticut-based supporters of The Humane Society of the United States, the largest animal protection organization in the country, please accept this public hearing testimony in support WITH AMENDMENTS of [SB 228](#), AAC DAMAGES FOR THE UNLAWFUL KILLING OR INJURING OF A COMPANION ANIMAL AND REQUIRING A REPORT FROM THE DEPARTMENT OF AGRICULTURE CONCERNING THE TETHERING OF DOGS.

We respectfully offer the following changes to Section 1 (in CAPS and underlined below):

Section 1. Subsection (b) of section 22-351a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(b) Any person who intentionally **OR NEGLIGENTLY** kills or injures a companion animal, except in defense of such person or another person or as otherwise authorized by law, shall be liable to the owner of such companion animal for economic damages sustained by such owner including, but not limited to, expenses of veterinary care, the fair monetary value of the companion animal and burial expenses for the companion animal. Additionally, the court may award damages to the owner of such companion animal for the loss of companionship of such animal upon receipt of evidence concerning the length of ownership of such animal, the use of such animal for companionship purposes and the disposition or temperament of such companion animal.

Reasoning for above proposed amendment (i.e., addition of "or negligently"):

Treating animal related cases like other cases is an important goal. Because many civil animal-related cases are due to negligence, requiring the act to be intentional removes many if not most of the cases that would benefit from this law, as in other civil damages cases. When an act that harms an animal is intentional, it can already be charged under the animal cruelty laws with restitution ordered by the

court, so the cases that need a legal means to be addressed are cases in which an animal is injured or killed due to negligence. As animals are considered property under the law, the value of the animal is often minimal. So this law would provide a means to address these acts under our laws.

In addition, our concern is that without the addition of "or negligently", to the law, it may otherwise suggest that a court cannot award damages for any extreme negligent conduct if warranted, or worse, it may suggest that removing negligence as a basis for damages means that someone must prove the killing was intentional (it is very difficult to prove someone's state of mind).

However, if the negligent conduct cannot be addressed in this bill, then we would ask the committee to consider a line to be added at the end of the statute to allow for judges to award damages as they see fit in these cases, i.e., "NOTHING IN THIS SECTION IS MEANT TO PREVENT THE COURT FROM AWARDING DAMAGES FOR UNINTENTIONAL ACTS AGAINST AN ANIMAL AS THE COURT SEES FIT".

Re: Section 2

We support Sec. 2, and offer our services to the Department of Agriculture in contributing to the report to the Environment Committee that would address the adequacy of the provisions of section 22-350a of the general statutes in protecting the health and welfare of tethered or confined dogs in this state, including, but not limited to, providing a definition of adequate shelter.

In addition, we propose that **Sec. 2 be amended** to include the provision **to continue the Task Force on the Humane Treatment of Animals in Municipal and Regional Shelters**, established per P.A. 14-205. Co-chair Michael Freda and the entire task force are engaged in laudable work, addressing sheltering issues in a strategic, comprehensive manner while collaborating with many stakeholders, all in furtherance of determining best practices that will improve the welfare of animals.

Thank you for your time and consideration.

Yours truly,



Annie Hornish

Connecticut Senior State Director

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