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Environment Committee
Public Testimony
March 4, 2016
TESTIMONY IN SUPPORT OF SENATE BILL 228

Good Morning Co-Chairs Senator Kennedy, Representative Albis; Vice Chairs Senator Moore, Representative Arconti; Ranking Members Senator Chapin, Representative Shaban; and esteemed members of the Committee.

Thank you for allowing me the opportunity to testify in support of Senate Bill 228: AN ACT CONCERNING 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.

Animal Control Officers (ACO) from across the state are asking for the current statute to be strengthened to allow them the ability to act in cases of abuse and neglect. There are problems with the original language of the bill that was passed previously and ACO's are seeking additions to the language. Story after story from ACO's and animal welfare organizations clearly show domestic animals being left outside in extreme weather with no access to proper shelter, food, or water.

In the wild, many animals rely on their "pack mates" or other members of their species to take turns hunting for food and to huddle with to keep warm during inclement weather. On farms, animals share the benefit and warmth of "barn mates" to weather the storm. Animals that are owned by inhumane pet owners who don't adequately house their pets are not afforded that right; they are left to fend for themselves in these harsh conditions. Domestic animals were domesticated for the pleasure and benefit of people. They depend on us to keep them safe.

ACO's are simply asking for more tools to put in their tool boxes to help them. I am available to answer any questions you may have in relation to my testimony.

Dogs: Proper Shelter and Confinement

- It is clear that the Connecticut cruelty law's provisions concerning the confinement of animals and their proper protection from the weather prohibit keeping them in a manner that causes them to display visible signs of distress from exposure to extreme environmental conditions.

- What is less clear under the cruelty law is whether law enforcement may intervene on behalf of an animal before the onset of such visible signs of distress, when the animal's owner or custodian should reasonably know that the animal's living conditions pose a risk to the animal's health or safety.

- The proposed bill would bridge this gap, serving as an "endangerment statute" that outlines those circumstances under which law enforcement may reasonably intervene to protect the health or safety of a dog.

- Specifically, dogs that are confined, or left outdoors for more than 30 minutes under adverse weather conditions, would have to be afforded proper shelter and/or continuous access to that shelter.

- "Adverse weather conditions" are when the outdoor ambient temperature is either 32 degrees Fahrenheit or below, or 90 degrees Fahrenheit or above, or there are other outdoor environmental conditions, including, but not limited to, wind, rain, snow, ice, sleet, hail, or cold, or exposure to direct sunlight, hot pavement, or heat, that a person should reasonably know pose an adverse risk to the health or safety of the dog, based on the dog's size, age, and physical condition, and the thickness of the dog's hair or fur.

- "Proper shelter" is a structure or other shelter that meets, at a minimum, the following standards and requirements:

  (1) to (4) apply to all proper shelter -

  (1) It provides the dog at all times with (a) adequate ventilation to allow the dog to remain dry and maintain a normal body temperature, (b) access to water in a sanitary and liquid state, (c) exposure to natural or artificial light according to a regular cycle of day and night, (d) sufficient space so that the dog can easily turn around in a full circle and lie down on the dog's side with limbs outstretched, and

(e) at least three inches of empty space above the dog's head when the dog is in a normal sitting or standing position in the proper shelter;

(2) It is maintained in a manner to minimize the accumulation of any waste, other debris, precipitation, or other moisture inside, surrounding, and underneath any area or structure providing proper shelter;

(3) It is soundly constructed to prevent the sagging or collapse of any part of the structure or protection, and is maintained in good repair with no exposed sharp points or edges;

(4) It remains in an upright position at all times;

(5) and (6) apply under the specified adverse weather conditions -

(5) In the event of **adverse weather conditions related to the cold, rain, etc**...it is an enclosed structure that has (a) a roof, walls, and a floor that is not the ground, (b) adequate insulation and dry bedding to allow the dog to remain dry and maintain a normal body temperature, and (c) a windbreak; and

(6) In the event of **adverse weather conditions related to direct sunlight, heat, etc**... it provides the dog with adequate shade by natural or artificial means to allow the dog to maintain a normal body temperature.

- Proper shelter for a dog shall not include: (1) a crawl space under a building or a part of a building, such as under steps, a deck, or a stoop; (2) the space under a vehicle; (3) the inside of a vehicle if the dog is kept in the vehicle in a manner or for a length of time that a person should reasonably know poses an adverse risk to the dog's health or safety; or (4) any structure or protection (a) made from pressure-treated wood, (b) with a floor consisting of wire or chain-link or having openings through which a dog's paw can pass, or (c) that is located outdoors and is made from cardboard or other materials that are easily degraded by the elements.

- In addition, confined dogs must be given access to sufficient space – ie, after 10 consecutive hours in proper shelter that is less than 100 square feet, a dog must be given at least 2 hours of continuous access to at least 100 square feet of space, and for each additional dog, continuous access to another 50 square feet of space).

- Penalty: The graduated fine that currently applies to the endangerment statute concerning inhumane tethering (i.e., one hundred dollars for the first offense, two hundred dollars for a second offense, and not less than two hundred fifty dollars or more than five hundred dollars for a third or subsequent offense). Each day that a person violates the provisions of this section shall constitute a separate offense.