



Senate

General Assembly

File No. 372

February Session, 2016

Substitute Senate Bill No. 228

Senate, March 31, 2016

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

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.

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

1 Section 1. Subsection (b) of section 22-351a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2016*):

4 (b) Any person who intentionally kills or injures a companion
5 animal, except in defense of such person or another person or as
6 otherwise authorized by law, shall be liable to the owner of such
7 companion animal for economic damages sustained by such owner
8 including, but not limited to, expenses of veterinary care, the fair
9 monetary value of the companion animal and burial expenses for the
10 companion animal. Additionally, the court may award damages, not to
11 exceed seven thousand five hundred dollars, to the owner of such
12 companion animal for the loss of companionship of such animal upon

13 receipt of evidence concerning the length of ownership of such animal,
 14 the use of such animal for companionship purposes and the
 15 disposition or temperament of such companion animal.

16 Sec. 2. (*Effective from passage*) Not later than January 1, 2017, the
 17 Commissioner of Agriculture, in consultation with the Chief Animal
 18 Control Officer and in accordance with section 11-4a of the general
 19 statutes, shall submit a report to the joint standing committee of the
 20 General Assembly having cognizance of matters relating to domestic
 21 animals concerning the adequacy of the provisions of section 22-350a
 22 of the general statutes in protecting the health and welfare of tethered
 23 or confined dogs in this state. Such report shall include, but not be
 24 limited to, an analysis on the need to amend said section to include a
 25 requirement that any tethered dog have access to adequate shelter, a
 26 description of the components of any such adequate shelter
 27 requirement and any recommendations concerning restrictions on the
 28 duration for tethering or confining a dog in compliance with said
 29 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	22-351a(b)
Sec. 2	<i>from passage</i>	New section

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:*** None***Municipal Impact:*** None***Explanation***

The bill requires the Department of Agriculture (DoAg), in consultation with the state's chief animal control officer (ACO), to report to the Environment Committee by January 1, 2017 on protecting the health and welfare of tethered or confined dogs. As there are several ACO's within DoAg, there is no fiscal impact.

The bill also allows a court to award up to \$7,500 in damages for loss of companionship to an owner of a companion animal that anyone unlawfully and intentionally killed or injured, under certain conditions. This will not result in a fiscal impact, as the court currently may award certain economic and punitive damages in these cases.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 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.*****SUMMARY:**

This bill allows a court to award up to \$7,500 in damages for loss of companionship to an owner of a companion animal that anyone unlawfully and intentionally killed or injured. This is in addition to certain economic and punitive damages the court may already award under existing law (see BACKGROUND). Under the bill, the court may award damages for loss of companionship based on evidence showing (1) how long the person owned the animal, (2) the use of the animal for companionship, and (3) the animal's disposition or temperament.

By law, a "companion animal" is a domesticated dog or cat normally kept in or near its owner's or keeper's home that depends on a person for food, shelter, and veterinary care. It does not include a dog or cat kept for farming or biomedical research.

The bill also requires the agriculture commissioner, in consultation with the state's chief animal control officer, to report to the Environment Committee by January 1, 2017 on the adequacy of CGS § 22-350a in protecting the health and welfare of tethered or confined dogs (see BACKGROUND). The report must include whether the statute should require a tethered dog to have access to adequate shelter, what constitutes adequate shelter, and recommendations about the length of time a dog may be tethered or confined under the law.

EFFECTIVE DATE: July 1, 2016, except the report provision is

effective upon passage.

BACKGROUND

Damages for Intentionally Killing or Injuring a Companion Animal

Under the law, anyone who intentionally kills or injures a companion animal is liable to the animal's owner for economic damages, including veterinary care, the animal's fair market value, and burial expenses, if applicable. But liability does not apply if the law authorizes the person to kill or injure the animal or if the person was defending himself or herself or another person (CGS § 22-351a).

The law also allows a court to award attorney's fees and punitive damages of up to the Small Claims Court jurisdictional monetary limit (currently \$5,000) in such cases. But it excludes from this financial liability certain classes of people, such as licensed veterinarians following accepted standards of practice.

Tethering or Confining a Dog

The law prohibits tethering a dog outdoors to a stationary object or mobile device, such as a trolley or pulley, when (1) local, state, or federal authorities issue a weather advisory or warning or (2) weather poses an adverse risk to the dog's health or safety based on its breed, age, or physical condition. But it allows a person to tether a dog outdoors in these conditions for up to 15 minutes (CGS § 22-350a).

The law also prohibits attaching a dog to a tether that:

1. does not allow the dog to walk at least eight feet in any one direction;
2. does not have a swivel on each end to prevent tangling, unless a person is with the dog;
3. is a coat hanger, choke or prong-type collar, head halter, or any other device not designed and properly fitted to restrain the dog;
4. has weights attached or metal chain links more than 0.25 inch

thick; or

5. allows the dog to reach an object or hazard that poses a risk of injury or strangulation, unless a person is with the dog.

The law does not apply to a veterinary practice; a grooming facility while grooming a dog; a show, exhibit, or other event in which a dog is being judged; a temporary event, such as a class or exhibition, in which the dog is used for lawful hunting; or the temporary tethering of a dog at a camp or recreation area where dogs are allowed.

Violators of the dog tethering and confining statute are subject to a fine of \$100 for a first offense, \$200 for a second offense, and between \$250 and \$500 for each subsequent offense.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 1 (03/11/2016)