AMERICAN
KENNEL CLUB

Monday, April 11, 2016

Committee on the Judiciary
Sen. Eric D. Coleman and Rep. William Tong, Co-Chairs
Legislative Office Building, Room 2500
Hartford, CT 06106

RE: American Kennel Club Opposes SB 228 – Providing Non-Economic Damages

Dear Chairman Coleman, Chairman Tong, and Members of the Committee on the Judiciary:

The American Kennel Club (AKC) writes to express **opposition to Senate Bill 228,** which seeks to allow non-economic damages in cases involving an intentional injury to animals.

As you may know, the American Kennel Club was established in 1884 and promotes the study, breeding, exhibiting, and advancement of purebred dogs. As the world's largest not-for-profit purebred dog registry, we represent more than 57 Connecticut dog clubs and sanction more than 230 dog events in the state each year. AKC promotes the ideals of responsible dog ownership, advocates for the purebred dog as a family companion, works to advance the health and well-being of all dogs and to protect the rights of responsible dog owners.

There is no question that our society holds dogs in very high esteem. Dogs are such a beloved part of our lives that it's common for owners to consider dogs as part of the family. These emotional ties have led some individuals and groups to propose fundamental changes to laws dealing with pets, such as allowing juries to award large, undefined financial awards in lawsuits involving injury to pets. On the surface, this may sound like a good idea and a simple reflection of the value people place on their pets. However, there's a catch — allowing these types of awards in cases involving injury to pets will likely have many unintended consequences, and in the long run may actually harm pets. For this reason it is crucial that animals continue to enjoy the protections afforded by their traditional legal treatment as property.

Laws governing animal ownership and animal care throughout the United States have been remarkably consistent for over two hundred years. These traditions provide that pets are considered the legal property of their owners while benefitting from laws governing their care and treatment. It does not mean that we as a society care for our pets any less; rather, it simply provides the legal framework by which owners derive the right and responsibility to provide care in a manner that is best for the animal. When combined with criminal laws prohibiting animal cruelty and dog fighting, and civil laws addressing both intentional and negligent injury and killing of animals, **the classification of pets as legal property has served as the foundation of a stable legal system that promotes responsible animal ownership; deters animal abuse; and promotes innovative, affordable, and quality animal care.**

In Connecticut, owners whose pets are negligently injured or killed can recover the economic value of a pet, the cost of any veterinarian bills resulting from an alleged injury, and other reasonable and necessary costs arising out of the injury. Further, emotional harm caused by the injuring or killing of a

pet is recoverable under a tort cause of action for intentional infliction of emotional distress, which requires showing that the defendant intentionally injured or killed the pet for the sole purpose of inflicting emotional harm against the owner. In such situations, the bad act is considered as being committed against the owner, not the animal. The defendant's conduct against the pet is a factor in assessing the outrageousness of defendant's conduct toward the owner. Courts may also require defendants to pay punitive damages to an injured party as a means of punishment for, and a deterrent against, intentional or reckless behavior motivated by malice.

In contrast to economic damages principles, long-standing legal doctrines limit the availability of non-economic damages to only the close family of victims who have died or who have been severely injured. As such, non-economic damages are typically not available in cases involving damage to personal property, including animals. Under Conn. Gen. Stat. Ann § 22-350, all dogs are deemed personal property in Connecticut. Legal scholars and animal experts agree that significant negative consequences would flow from allowing non-economic damages to be awarded in personal property injury cases. In the near term, the risk of increased legal liability will most likely result in dramatically higher costs to cover that liability for all parties in the animal care chain (which will ultimately be passed on to animal owners), and pose increased risks to public health if average owners can no longer afford basic veterinary care for their pets. In the long term, allowing damage remedies usually reserved for people to be available in cases involving pets will likely lead to a diminution of the legal status of animals.

The American Kennel Club believes that the far-reaching unintended consequences of SB 228 will far outweigh any benefits if the bill is enacted. Therefore, we respectfully request Senate Bill 228 not be passed out of committee. Thank you for your consideration of these concerns. Please do not hesitate to contact me or Phil Guidry (pmg@akc.org/919-816 3505) if you have any questions about our position or we can be of assistance on this issue.

Sincerely,

Sheila Goffe, Director
AKC Government Relations

Attachments

PMG