

MEMORANDUM IN OPPOSITION AS DRAFTED

HB 7297: An Act Concerning Quarantine and Disposal Orders of Animal Control Officers

HB 7297 embodies an official recognition of the unconstitutionality of Connecticut's dangerous dog law. Unfortunately, HB 7297 does not adequately address the law's constitutional infirmities. It is disappointing that the Department of Agriculture excluded from its recently convened dangerous dog law working group any organization that might have had particular familiarity with relevant constitutional questions; best practice in the field of dangerous dog law; or the effective, fair policies adopted by other jurisdictions. On behalf of its 30,000 Connecticut supporters, the ASPCA urges the Joint Environment Committee either to revise the state dangerous dog law to fully resolve its constitutional infirmities and conform with best practice, or to convene a new working group that includes participants who can make the necessary recommendations for passage in the 2020 legislative session.

Particularly concerning in HB 7297 is its failure to establish clear standards by which a dog would be deemed dangerous, rendering this determination highly subjective - as it has always been - and failing to put dog owners on notice of what behaviors would subject their dogs to extended custody, a finding of dangerousness, and, potentially, burdensome confinement or or even death. Dog owners are entitled to know, prior to any hearing, exactly what the state needs to prove; the proposed bill does not provide this constitutionally required notice.

Dangerous dog laws should be narrowly drawn to define dangerous dogs as those who have either attacked a person or another animal without justification, causing injury or death, or those who exhibit behavior that strongly suggests the risk of such an attack, as determined by someone with genuine knowledge of animal behavior. This determination should focus on the behavior of individual dogs and all of the circumstances surrounding an event, including those that may justify a dog's aggressive actions. Once a dog is deemed dangerous according to the criteria listed in the paragraph above, the court should require the animal's owner to take all of the following actions:

- Evaluation by a Certified Applied Animal Behaviorist or a board-certified veterinary behaviorist and completion of any training or other treatment as deemed appropriate by that expert
- Spaying or neutering
- Secure, humane confinement in a manner that prevents escape and unsupervised contact with the public, permits the dog adequate exercise and provides protection from the elements
- Direct supervision by an adult 18 years of age or older whenever the dog is on public property
- Restraint on a leash whenever the dog is in public
- Muzzling in public in a manner that prevents the dog from biting people and other animals but does not injure the dog or interfere with his vision or respiration
- Microchipping

Euthanasia or permanent confinement of the dog are extreme remedies and should be utilized only when the dog has attacked a person or domesticated animal without justification and has caused serious physical injury or death or when a qualified behaviorist who has personally evaluated the dog determines that the dog poses a substantial risk of such behavior and that no other remedy will make the dog suitable to live safely with people.

Dangerous dog laws must accord pet owners adequate opportunity to challenge charges brought against their pets. In not clearly setting out standards to assess dangerousness or specific definitions of provocation/justification that would preclude such a finding, HB 7297 fails to accord owners this opportunity.

It is critical that local and state authorities exercise their responsibility to enforce the state's dangerous dog law with vigor and discretion to protect both the public and responsible pet owners. HB 7297 should be revised - or an appropriately representative working group established - to ensure that the state dangerous dog law is drafted to support this outcome.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. M. Bresch', with a horizontal line extending to the right.

Debora M. Bresch
Senior State Legislative Director