

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-6714

Title: AN ACT CONCERNING CRUELTY TO ANIMALS.

Vote Date: 3/27/2023

Vote Action: Joint Favorable Substitute

PH Date: 3/1/2023

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

Sexual contact with an animal wasn't thoroughly defined in statute, making it difficult to convict individuals. This bill redefines the crime of sexual contact with an animal and will require veterinarians to report suspicious incidents and prohibit convicted individuals from possessing or working with animals for five years.

SUBSTITUTE LANGUAGE:

The substitute language removes language regarding the transmission of possession ban orders by means of the COLLECT system and revises reporting requirements for veterinarians.

RESPONSE FROM ADMINISTRATION/AGENCY:

Judicial Branch: The Judicial Branch calls attention to Section 7(f) of the bill, lines 275 through 280, which requires the court to issue its order, within 30 days of such order's issuance, to be provided to local law enforcement through the Connecticut Online Enforcement Communications Teleprocessing System (COLLECT). The Judicial Branch states that no branch employee has direct access to COLLECT and would therefore be unable to do so.

Alex Tsarkov, Executive Director, Connecticut Sentencing Commission: The Sentencing Commission recently conducted a study into animal cruelty issues and the results form the core of the response to the bill. Concerning section 2 of the bill, current law resulted

in a 2020 Superior Court dismissing a charge of sexual contact because the definition of "sexual contact" had required contact with a human being, not expanded to an animal. The Sentencing Commission supports changes to the definition to address this issue, however they suggest some alterations to the current wording of the bill.

NATURE AND SOURCES OF SUPPORT:

Jo-Anne Basile, Executive Director, CT Votes for Animals: The testifier supports the bill as it combats three identified areas of deficiency in Connecticut Law: animal sexual abuse prevention, animal sexual abuse prosecution, and non-sexual animal abuse. The testimony calls on data from the American Academy of Psychiatry and Law, which suggests that national bestiality rates have risen by 800% since 2000; the testifier provides extracts of chat forums discussing bestiality in Connecticut. The testifier supports updated language on what sexual assault is, plugging prosecution loopholes. The testifier supports section 7 of the bill for imposing bans on convicted animal abusers from possessing animals and section 6 mandating the reporting by veterinarians of both suspected sexual, and physical abuse caused by fighting, noting that Connecticut is one of only 13 states without a veterinarian reporting system.

Robin Cannamela, President, Desmond's Army Animal Law Advocates: The testifier supports the updated language defining what sexual abuse is and closing loopholes exploited in prosecution. The testimony also believes the bill tackles lack of existing regulation preventing third parties from owning and providing the animals to a sexual abuser without themselves sexually abusing the animals. Desmond's Army believes the bill carves out exceptions for veterinary, normal animal husbandry practices, artificial insemination, and dog show practices. The testifier also supports the animal pornography prevention, psychological counseling, and refraining order placed on convicted persons.

Ann Burgarella: The testifier expresses personal concern about the current state of Connecticut's laws because of experience with their own horse's abuse in the summer of 2022. The testifier expresses concern with the disparity between horses and cat/dog protection laws. The testifier compliments the advocate opportunity provided for advocates to speak on the issues, allowing for detailed explanations of specialized animal requirements to be presented to the court.

Byrne Barrenger: The testifier wishes to see Desmond's law expanded to all animals as well as also supporting the veterinarian reporting requirement.

Sarah Fitzgerald: The testifier supports the bill closing the protection gap between animals other than cats and dogs, especially those considered livestock. The testifier expresses concern about the speed at which current offenders can pass through rehab and be allowed to own animals again.

Holly Fontaine, Desmond's Army: The testifier calls attention to two recent cases dismissed because of insufficient laws. The testifier supports possession bans for offenders.

Annie Hornish, CT State Director, Humane Society of the United States: The testifier supports the bill, with the suggested amendment that line 77-78 are substituted to include "abuse or financial gain", with the reasoning that sex workers perform acts on animals for

financial compensation, not gratification, and therefore might be allowed to act outside of this regulation. The testifier also suggests that line 65 should be altered to read "section 29-108a", as the definition of animal should be the same as that in the cruelty law, given that all species need be covered by the bill. The testifier also notes the link between animal abusers and the transition to abusing women and children. Finally, the testifier supports the veterinarian reporting and possession of animal bans.

Joyce Glass: The testifier supports the expansion of protections to animals other than cats and dogs. The testifier was personally denied a request to advocate for animals in a Middletown case because the animals were horses.

Stephanie Harris, Senior Legislative Affairs Manager; Kathleen Wood, Criminal Justice Staff Attorney, Animal Legal Defense Fund: The testifiers note that although the current law allows for possession bans, the prosecutors must request it as part of probationary conditions, and it is limited to the probation period. The testimony discusses prosecution issues with the current law, such as loose definitions for sexual abuse preventing many cases from proceeding. The Animal Legal Defense Fund also emphasizes the impact of a veterinarian reporting scheme.

Representative Nicole Klarides-Ditria, Co-Chair Animal Welfare Caucus, General Assembly: The testifier strongly supports the bill and the protections it gives to animals.

Jessica Long: The testifier supports the bill with the personal motivation of their horse, Cricket, being denied an animal advocate in a case because current law does not include horses.

Keeley Mangeno: The testifier supports the bill for its veterinarian reporting, redefinition of sexual contact, and prohibition of animal ownership by convicted abusers. The testifier notes the link between animal abuse and violence towards humans.

Virginia Maxwell: The testifier supports the three main aspects of the bill. The testifier discusses the scientific link between animal sexual abusers and child pornography, high rates of recidivism amongst animal abusers, and veterinarian practices in other states.

Regina Milano, CT Votes for Animals: The testifier calls attention to a lifetime of advocacy protesting heinous acts committed against animals. The testifier supports banning possession and veterinary reporting.

Kathleen Radziunas, Desmond's Army: The testifier supports veterinary reporting, possession bans, and definition updating. The testifier draws links between animal abuse and the risk of future escalation to human abuse.

Patty Reilly: The testifier supports the bill, with personal experience being denied an advocate for their horse, Ocho, in an abuse case because of the limited scope of current law when it comes to animals other than cats and dogs. The testifier notes that the Animal Legal Defense Fund ranks Connecticut at 31 out of 50 states.

Jessica Rubin, Director of Animal Law Clinic, UCONN School of Law: The testifier identifies three areas the bill covers: veterinarians being required to report suspected abuse,

clarification of the definition of sexual assault, and a mandate banning possession by convicted persons. The testifier suggests changes would be to swap the definition of animal in line 65 from referencing 22-327 to 29-108a, as it is the testifiers belief that the current language would exclude wildlife and certain pets from the protections. The testimony notes a Washington state court found a lifetime possession ban to not be in violation of Eighth Amendment rights, and a Colorado court found a lifetime ban of possession to be constitutional because the ban would prevent future abuses.

Rachel Solveira, President, Connecticut Care and Control Officers Alliance: The testifier calls attention to the existence of anonymous digital networks organizing bestiality. The testifier states that many times in their investigations they find that veterinarians had treated animals for the same conditions but never reported it to the alliance. The testifier notes that recidivism rates are high, and therefore gives urgency to a possession ban of a minimum of 5 years.

Jamila Viandier: The testifier notes the near 100% recidivism rates, and the link between animal abuse and human abuse. The testifier supports making veterinarians a first line of defense with civil immunity.

The following testifiers gave their support to the bill and protection of animals:

- **Julia Capuan**
- **Meli Garthwait**
- **Liat Goland**
- **Carrie Gonzalez**
- **Licia Kaswer**
- **Eileen Kopec**
- **Karen Laski**
- **Laurel Elliot**
- **Doreen Millet**
- **Debbit Redman**
- **Josiah Schlee**
- **Kaiya Smith**
- **MaryAnn Smith**

NATURE AND SOURCES OF OPPOSITION:

The following testifiers request that a clarifying amendment is added to protect veterinarian and animal husbandry practices:

- **Andrew Kalmanash**
- **June Mathieu**
- **Joy Montgomery**
- **Christopher Orcutt**
- **Carol Phelps**
- **Lori Riley**
- **Debbie Struff**
- **Suzanne Vosgien**

Susan Marucci, AKC Delegate, Newtown Kennel Club: The testifier opposes on the grounds of dog breed preservation and the artificial insemination process required to produce purebred offspring. They request an amendment to protect animal husbandry practices.

Laurie Maulucci, President, CT Federation of Dogs Club: The testifier supports the effort to protect animals from cruelty and they also oppose the alleged vague definition of sexual contact with an animal, which they believe will restrict their ability to breed dogs. Therefore, the testifier requests an amendment be added to line 71 at (C) to prevent restrictions.

Carol & Frederick Vogel: The testifiers oppose this bill.

Susan DeSilver: The testifier expresses concern about the definition of sexual abuse and would like clearer language allowing for artificial insemination and other animal husbandry practices to be excluded from the definition.

Stacey Ober, Government Relations Regional Manager, American Kennel Club: The testifier deploras sexual acts against animals but expresses concerns about the impact the bill will have on purebreds. Requests an amendment be added to line 71 at (C) to prevent restrictions on their practices, calling for "without a bona fide veterinarian or animal husbandry purpose" to be added to the wording.

Reported by: James McNealey

Date: March 31, 2023