



# New Hampshire Federation of Humane Organizations

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## **SB 77: Prevents Convicted Abusers from Owning Animals & Considers the Welfare of Animals Held for Cruelty Cases in Court Proceedings**

Current law requires that animals legally seized by law enforcement in an animal cruelty case be held for the duration of the trial, which can take months or years. The costs to care for the animals, which legally falls on the towns and taxpayers, can reach hundreds of thousands of dollars depending on the number of animals and the length of court proceedings.

- SB 77 sets up a preliminary court hearing for cases that animals are being held for the duration of a trial. This hearing will allow for a discussion of the immediate medical needs, as well as long term care and safety.
- SB 77 closes loopholes in the existing ban on ownership by allowing Courts to prohibit convicted animal abusers from owning, residing with, or working with animals. It also establishes a minimum ban on ownership for egregious cases of purposeful animal cruelty. Recidivism rates among animal abusers is staggeringly high – near 100% for certain types of crimes. In response to this proven cycle of cruelty and the link between animal cruelty and violence against people, stronger laws to prohibit future ownership of animals will protect animals, children, and entire communities in NH.
- SB 77 also clarifies longstanding NH law which allows the Court to order a convicted defendant to post a bond in order to retain ownership of the animals during an appeal process. SB 77 simply adds a 14-day deadline for the posting of the bond so that animals are not left in limbo. The requirement that convicted defendants post a bond for the care of animals was passed by the legislature to directly address the number of animals who used to be held for years as appeals dragged on. Any weakening of the existing law would greatly increase the costs placed on towns to care for animals.

### **FAQ's**

#### **What is the problem SB 77 will help solve?**

Animals are property under the law and when they are seized by law enforcement per a search warrant for animal cruelty, they are legally required to be held for the duration of the criminal proceedings if the owner does not relinquish their ownership. This brings many unique challenges as court proceedings can drag on for many months or over a year. The expense of holding animals for so long as well as the medical and behavioral challenges to the animals are two significant problems that SB 77 aims to address.

#### **How does SB 77 do this?**

SB 77 creates a preliminary hearing within 14 days of the legal seizure of animals to ensure a conversation occurs in front of a Judge about the long-term care of the animals and to advocate for a speedy trial under existing NH law, which currently mandates that cases in which animals are held receive priority.

#### **Does SB 77 require a defendant to pay any money prior to a conviction?**

No. It simply provides for an early pre-trial hearing to discuss the long term care of the animals. It also clarifies **existing law** which allows Judges to require a defendant to post a bond if a **convicted** defendant wants to retain ownership of the animals through an appeal process. Nothing in SB 77 changes the way in which animal cruelty cases are processed in NH.



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## **What if a defendant is found innocent upon appeal? What happens to the bond?**

Any unused amount of the bond would be returned to the defendant. However, the legislative intent of this law that has been in place for over 10 years is that the bond is to be used to cover the cost of the care for the animals during the appeal process. This limits the liability of the town for these expenses during an appeal process of a convicted animal abuser.

## **How did SB 77 come about?**

Sen. Jeb Bradley has worked on animal cruelty issues in NH for several years. SB 77 is the culmination of that work that included the input of many stakeholders including the Dept. of Agriculture, the NH Farm Bureau, the NH Veterinary Medical Associate, the NH Chiefs of Police, the NH Municipal Association, the NH Federation of Humane Organizations, the HSUS and the AKC.