

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

HB 1253, exempting dogs guarding livestock or crops from nuisance dog statutes when engaged in such work.

Hearing Date: March 31, 2026

Time Opened: 10:37 a.m.

Time Closed: 10:49 a.m.

Members of the Committee Present: Senators Avard, Pearl and Rosenwald

Members of the Committee Absent : Senators McConkey and Watters

Bill Analysis: This bill exempts dogs engaged in guarding livestock or crops from nuisance statutes when engaged in such work.

Sponsors:

Rep. Comtois

Rep. J. Aron

Rep. Bixby

Rep. Kenny

Sen. Pearl

Who supports the bill: Senator Howard Pearl (SD17), Representative Comtois, Robert Johnson (NHFB), Erick Sawtelle

Who opposes the bill: Chief David Suckling (Alexandria Police Department)

Summary of testimony presented:

Representative Comtois, Belknap 7

- Representative Comtois described the bill as straightforward, noting that it consolidates multiple House committee bills into a single piece of legislation.
- The bill adds “guarding crops” to the recognized duties of livestock guardian dogs. Testimony indicated that allowing dogs to protect both livestock and crops is a feasible approach that can help reduce losses, particularly due to deer and turkey populations in New Hampshire.
- The legislation also clarifies that individuals must have actual agricultural operations, such as crops or livestock, and cannot claim the designation based solely on maintaining a small vegetable garden.
- Rep. Comtois referenced testimony about a case in which a dog owner claimed to have livestock guardian dogs, but the animals were not protecting any livestock

or crops and instead created a nuisance in the neighborhood under that designation.

- She also said the bill specifies that if a guardian dog bites or attacks, it may be subject to euthanasia if the incident occurs off the owner's property, emphasizing the importance of including the condition "not on the owner's property."

Chief Suckling, Alexandria Police Department

- Chief Suckling stated that they are not in complete opposition to the bill. However, they do object to the inclusion of the term "crops." He expressed concern that "crops" is not well defined in the legislation and noted that the bill references a "yard," which creates ambiguity about how the provision would be applied in practice.
- He argued that this lack of clarity could create significant challenges for police and law enforcement, who would be responsible for interpreting and enforcing the language. He also pointed out that there appear to be contradictory elements within the bill.
- Given that much of New Hampshire is rural, he raised concerns that individuals could use this provision as justification for allowing dogs to bark throughout the night. As a result, law enforcement officers would be placed in the difficult position of determining how to interpret vague terms and whether such situations fall within the scope of the statute.
- He further stated that the bill, as written, provides too much leeway and could be misused. For this reason, law enforcement agencies oppose the bill in its current form. He added that, under the proposed language, the law could be interpreted so broadly that even a small pet dog such as a "Pomeranian protecting petunias from predators" might be considered compliant with the statute.

Senator Rosenwald noted that the word "yard" appears twice between lines 16 and 18 and asked whether the chief believed it was being used inconsistently or in conflicting ways.

Chief Suckling responded that he did see a conflict. He acknowledged that it may seem like a minor issue, but emphasized that "the devil is in the details." He explained that if individuals rely on this statute to justify allowing their dogs to bark throughout the night, enforcement options would be limited.

Senator Rosenwald then asked whether removing the word "yard" from line 17 would address the concern. She also questioned whether the sentence, as written, already requires that dogs be actively guarding livestock, suggesting that if animals are secured in a barn, barking all night would not be justified.

Chief Suckling agreed in part but clarified that his primary concern and testimony were focused on the “crops” portion of the bill rather than the livestock provisions.

Senator Pearl asked whether the language could be revised to “livestock yard” instead of simply “yard.”

Chief Suckling agreed it would be an improvement, but emphasized that his primary concern was the term “crop,” which he described as overly vague. He noted that items such as sod could be considered a crop under the current definition.

Senator Pearl suggested alternative language, such as “paddock” or “commercial yard,” to provide more clarity.

Chief Suckling responded that the term “commercial crop” would be easier to define and enforce than the language as currently written.

Senator Rosenwald then referred to page 2, lines 3 and 4, noting that the word “yard” is used twice in potentially conflicting ways again. She asked how the first “yard” might be reworded.

Chief Suckling replied that it presents the same issue identified on page 1 and indicated that he would defer to the legislature on how best to resolve the language discrepancy.

Representative Comtois

- She noted that the inclusion of the term “yard” was intended to account for situations such as cut flower gardens and small homesteads located on residential properties. In some cases, individuals manage small acreages as active agricultural operations and earn income from them.

Senator Pearl asked about the possibility of using the term “active agricultural land.”

Representative Comtois suggested that language would help distinguish legitimate agricultural use from a typical residential lawn and indicated that she was open to that approach.