

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 240-FN-LOCAL, relative to nonpayment of dog licensing fees.

Hearing Date: April 22, 2025

Time Opened: 1:06 p.m.

Time Closed: 1:17 p.m.

Members of the Committee Present: Senators Gannon and Reardon

Members of the Committee Absent : Senators Abbas, McConkey and Altschiller

Bill Analysis: This bill changes the law to enable local governing bodies to issue warrants for civil forfeiture of an unlicensed dog for nonpayment of dog license fees. The law currently requires local governing bodies to issue warrants for civil forfeiture of an unlicensed dog for nonpayment of dog license fees.

Sponsors:

Rep. Tom Mannion

Rep. Panek

Rep. Tenczar

Rep. Berry

Rep. Tim Mannion

Sen. Abbas

Who supports the bill: Tom Mannion, James Gardner, Timothy Finney, and Aubrey Freedman.

Who opposes the bill: Bjarna O'Brien, Haylie Gulino, Kurt Ehrenberg, Dan Healey, and Lisa Boyer.

Who is neutral on the bill: N/A

Summary of testimony:

Representative Tom Mannion

Hillsborough-District 1

- HB 240-FN-L is a bill relative to nonpayment of dog licensing fees.
- Representative Mannion explained that the bill is being brought forward as a result of a case involving a constituent that had an elderly dog which was vaccinated for rabies and became partially paralyzed.
- The following year, when the time came to register, it slipped her mind and did not register the dog.
 - She got a warning from the town that said they would seize her elderly dog because she refused to pay a \$20 late fee.
- He stated that the issue she had was not with the vaccine requirements or the fine, but the fact that law enforcement was sent to seize someone's family member over a failure to pay \$20.

- Representative Mannion allowed that he may have been overzealous when originally writing the bill and may have stripped too much of the RSA.
 - All he wanted to do was to remove the ability for law enforcement to seize the animal.
- The bill went to House Environment and Agriculture where it was amended to change a “shall” to a “may” in the language regarding a warranted seizure.

Bjarna O'Brien

New Hampshire Animal Control Officer - Salem

- Officer O'Brien explained that in regard to taking away the penalty of civil forfeiture, licensure is essential to public safety.
 - licensure ensures dogs are vaccinated for rabies and helps track bite incidents.
- She referenced an instance where a child was bitten by a dog in Salem recently where, as a result of the registration system, she was able to look up the dog's registration to see that it had been vaccinated.
 - Because the dog had been vaccinated, the child was able to forego the prophylaxis treatment.
- She noted that registration is a very basic measure and a necessary enforcement tool.
- Eliminating registration and fees would only weaken accountability.
- She argued that licensure ensured that owners took basic responsibility.
- Officer O'Brien explained that licensure allowed authorities to know how many dogs were in the community as well as where they were located and where they belonged should they get lost.
 - Licensure and fees allow for the first step in checking in on the welfare of an animal.
- Officer O'Brien noted that she has yet to meet a single ACO that would knock down a door to seize an animal.
 - If an animal is seized, the case must be seen in district court within 14 days.
 - If, for some reason, someone's family member was taken unreasonably, the animal will most likely be returned by the judge.
- Officer O'Brien stated that she had only ever seized a dog for non-licensure one time and that was because the dog was in an incredibly unsafe situation.
- She noted that there was never a situation where she would have the right to enter someone's home without a warrant and take an animal without having much more information.

Dan Healey

Nashua City Clerk

- Mr. Healey noted that he was speaking in opposition to HB 240.
- He stated that the bill was altered which changed the intent of the original bill.
 - The original intent of the bill was to not seize the dog.
- He underscored that the only change to current law is making it a “may” instead of a “shall” for the warrant stipulation.
 - Mr. Healey believed doing things differently across the state would be very confusing for dog owners.
- Mr. Healey maintained that he did not want discretion regarding if obtaining a warrant is a “may” or a “shall” and believed it should remain a “shall”.
- Mr. Healey explained that in the nine years he has served as clerk for both Derry and Nashua, there was never an instance where they seized a dog.
 - Animal control officers were not going door to door seizing animals.
- Mr. Healey stated that the city started the dog licensing process in January and residents had until April 30th to license their dog.
 - The window gave residents ample opportunity to license their dogs.
- Mr. Healey highlighted that licensure was annual, so most people knew it needed to be done every year.
- Mr. Healey further noted that part of the licensing process was to make sure dogs were up to date with rabies vaccinations.

- Senator Gannon asked at what point the town would come to knock on the door for failure to register.
- Mr. Healey explained that it varied from town to town but took some time.
- In Nashua there were over 10,000 dogs so they made the longer-standing failures to register the main priority.
- He noted that once the deadline had passed, owners were sent letters, the animal control officer would be sent, and even then, some residents still failed to get a license.
 - Eventually they ended up in court, which was not something the city wanted.
 - Mr. Healy emphasized that the city simply wanted residents to license their dog and that they weren't seeking to severely punish offenders.
- There were a certain number of people who believed it was a dumb law and refused to get a license.
- Mr. Healey argued that the \$25 penalty was a reasonable penalty, and that the original registration fee was not unreasonable either.

PM

Date Hearing Report completed: April 24, 2025