

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 616-FN, relative to the confiscation of animals from persons suspected of or charged with abuse of animals and establishing a committee to study the animal cruelty statutes.

Hearing Date: April 22, 2025

Time Opened: 1:27 p.m.

Time Closed: 3:35 p.m.

Members of the Committee Present: Senators Gannon, Abbas, McConkey, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill prohibits the confiscation of animals from persons suspected of abuse of animals unless such person is charged with cruelty to animals or the animals require temporary protective custody. This bill also requires the state veterinarian or their designee to accompany an investigating officer when livestock are the subject of a cruelty case in order to set probable cause criteria for the taking of the animal.

Sponsors:

Rep. J. Aron

Rep. Comtois

Rep. Creighton

Rep. M. Murray

Sen. Pearl

Sen. Watters

Who supports the bill: 76 signed in support of HB 616-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the bill: 337 signed in opposition to HB 616-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: N/A

Summary of testimony:

Representative Judy Aron

Sullivan - District 4

- HB 616-FN is a bill relative to the confiscation of animals from persons suspected of or charged with abuse of animals, and establishes a committee to study the animal cruelty statutes.
- Representative Aron stated that this bill came about in response to an animal seizure in Lee, NH.

- She maintained that animal well-being is extremely important, and argued that due process must be followed when it came to animal seizure.
 - Animals as well as their owners should be treated properly and fairly.
- The changes to RSA 644:8 were developed in collaboration with the N.H Farm Bureau, the New Hampshire Department of Agriculture, UNH Collaborative Extension, livestock owners, and other concerned parties.
 - Further language revisions were needed to clarify procedures regarding animal cruelty reporting and seizures to ensure due process is followed and to indicate who should and should not be involved in the process.
- She noted that page 1 of the bill, lines 3-6, was to ensure that investigating law enforcement officers were advised by vets qualified in livestock care, and to make sure that animals were not seized without the owners first having been convicted of a crime.
 - In the Lee case, animals were taken away without any conviction having been brought.
 - Many of the animals were euthanized after seizure.
- Representative Aron suggested that most of the events in Lee took place as a result of the owner being pressured into signing documents under duress and without a clear understanding of what was being signed.
 - The law should reflect, clearly, when animals can be taken away and by whom.
- She further argued that the owner of the animals should know exactly what they are signing on and if they are being charged with a crime.
- Representative Aron referenced lines 9-10 of the bill, noting that they would like people to be aware of their right to have their animals examined by a vet of their choice at their own expense.
 - Most people were not aware of this right.
- In lines 12-13, the intent was to add language to make people aware that whatever documents they were signing must first be clearly understood.
- She explained that they were adding language to make it so that prior to any conviction of abuse or neglect, confiscated animals cannot be altered without the authorization of the owner.
 - While animals are still the property of the owner, they should not be altered without their consent.
 - She noted that language was also added to allow situations where animals in major distress can be euthanized with the authorization of a qualified vet, even without the owner's consent.
- Representative Aron also noted that the bill explicitly stated that cases of abuse and neglect cannot be used for fundraising by organizations tasked with caring for a seized animal prior to the conviction of a crime.
 - She argued that this would enforce the basis of the legal system, where an individual is innocent until proven guilty.
 - It prevented an individual's reputation from being tarnished without ever having been convicted of a crime.
 - It prevented conflicts of interest in addition to bias being established against a person before going to trial.
- She stated that a section was also added which clarified language to specify what happened to animals if an owner cannot be contacted.
 - She referenced RSA 644:8 section 4-a.
 - They clarified the language to allow only law enforcement or animal control officers to take custody of animals.
 - Animals cannot be taken into protective custody unless the owner is not present or the animal is in imminent danger.
- She contended that animal seizures should be a matter between law enforcement, attending veterinarians, and owners of the animals; no other entities should be involved.
- Representative Aron explained that it was important for the owner of the animal to know they have the right to have the animal examined by a vet of his or her choice at their own expense.
- It is important to have qualified vets examining the animals.

- There should not be dog or cat vets examining livestock animals that they are not familiar with.
- Animals that may appear neglected or abused may be elderly or sick and otherwise under the care of a veterinarian.
- Additional language eliminates the part of the current law on page 2, lines 12-26 which referred to dog racing.
 - Dog racing does not take place in the State of New Hampshire any longer.
- Representative Aron noted that when lactating animals are seized, she wanted to ensure that locations had the proper facilities to care for the animals and milk them as needed.
 - In Lee, lactating goats were taken away and euthanized after getting mastitis because they were not properly milked.
- She also noted that there was a provision to make sure that a person who made a complaint would not be allowed to take part in the investigation unless the person was an employee of a governmental agency.
 - She suggested that this would prevent a conflict of interest.
- Representative Aron stated that the only people that should be part of an investigation are the animal's owner, law enforcement, and a qualified veterinarian.
- She noted that if an animal is taken improperly, it will be considered theft.
- She also explained that there is a section within the bill that will hold harmless veterinarians and law enforcement officials for civil liability.
 - Law enforcement needed to be able to do their job without fear of litigation against them.
- They made changes to RSA 437B:1 referring to the application of the cost of care fund to ensure that the animals are seized properly, qualified vets were consulted, and due process was followed.
- Representative Aron stated that the bill would also create a study committee to study RSA 644:8 seeking to further clarify reorganization of the statute to ensure that it does not conflict with other statutes.
- She explained that she felt strongly that all other changes through this bill should be implemented immediately to protect animals, their owners, and law enforcement.
- She noted that a lot that went wrong in the Lee case and it was not an isolated incident.
 - Alleged abuse could have been handled differently and there needed to be clarity in the law.
- Representative Aron stated that law enforcement only received two hours of training in the academy to go over animal cruelty statutes.
 - There was other legislation pending to help bolster law enforcement action.
- She suggested that the changes proposed, which were unanimously passed in the House, would ensure that rights were protected.
- Senator Gannon asked if police were to do a wellness check, if they would be allowed to go to a property and ask for permission to look around.
 - Representative Aron explained that the bill would not prevent them from doing so.
- Senator Gannon asked if the owners had to sign documents to allow a search.
 - Representative Aron replied that they do not, the bill simply made it so that if consent were needed to allow seizure of animals, those documents must first be adequately explained.
- Senator Altschiller asked about language on page 1 line 13. She suggested that law enforcement receives many calls about animal wellness concerns. She stated that she is worried that it immediately sets up a criminal situation and wondered if there is space in the bill for education so someone doesn't have to be charged.
 - Representative Aron answered that someone does not have to be charged, it simply states that animals cannot be taken unless they are charged.
 - She noted that there is room for education, but the concern is mostly about how and when animals can be seized.
- Senator Altschiller stated that it is a reality that animals have to be taken away from owners at times, and when that happens, NH doesn't have a funded state-run facility.
- She asked why organizations shouldn't be able to reach out to community for help.

- Representative Aron argued that animals should not be taken from their homes without cause and if there is abuse and neglect, they should be charged with a crime first.
- She further stated that organizations should not be allowed to fund raise off of a situation unless the person has been found guilty.
- It creates a conflict of interest and the goal is to make sure there is no public bias established against a person before their case goes to trial.
- Organizations should not be able to target one particular case and be able to make money off of their situation.
- Senator Altschiller asked if there was an example of an animal welfare organization that was making money off of those types of situations and noted that the time between the charge and conviction can be very long.
- She asked who is paying for the care of seized animals in the meantime and how do they go about it if they are not allowed to fund raise.
 - Representative Aron explained that New Hampshire does have a state cost of care fund.
- Senator Altschiller asked if it was an upfront fund.
 - Representative Aron stated that the Commissioner of Agriculture can answer that, but allowed that there are other means by which organizations can raise money.
 - She explained that she does not believe it is right that they can send out press releases on a situation before the case has even been adjudicated and it creates a conflict of interest.
 - It gives an incentive for organizations to seize animals.
- Senator Abbas asked if there were any concerns brought up about the safety of veterinarians that accompany law enforcement at investigations.
 - Representative Aron stated that she did not understand the question.
- Senator Abbas explained that not every investigation goes as planned and vets don't have the same training as police.
 - Representative Aron explained that law enforcement would be at the scene, and could, therefore, control the situation.

Bjarna O'Brien

Salem Animal Control Officer

- Officer O'Brien stated that cost of care is post-incident and shelters that care for the animal are reimbursed up to 50% of the cost of care.
- She stated that she was there in strong opposition to HB 616-FN because it would make it difficult for law enforcement to protect animals from cruelty and neglect and would force officers, in many cases, to put animals back in problem locations.
- HB 616-FN would handcuff law enforcement.
 - When officers come across a situation where an animal is suffering, they work with law enforcement and prosecutors to assess the situation based off of the mental and physical health of the animal as well as the struggles of the owner in order to determine a course of action.
 - She suggested that sometimes people need more help than punishment to remedy a situation.
- Officer O'Brien stated that under this bill, animals cannot be seized unless there is a conviction even if they are emaciated or sick.
 - She argued that does not provide justice, it merely continues animal cruelty.
- She explained that under HB 616-FN, fundraising would be banned for agencies that support animal cruelty cases.
 - If funding is cut off from fundraising efforts, animals will either be forced to go without care or taxpayers will be forced to pick up the tab themselves.
- Another major concern is that HB 616-FN would prohibit outside evaluations of animals by the non-profit organizations.

- Only licensed veterinarians would be allowed to make evaluations of the animals in livestock cruelty cases.
 - Officer O'Brien argued that it is already extremely difficult to find livestock veterinarians who are willing and able to respond to animal cruelty investigations.
- She noted that the State Veterinarian's Office does not have a team of vets on standby to handle influx of work.
 - They would need to hire new vets, which means more cost and liability for the State.
- She explained that her concern with HB 616-FN was, in part, that animals would be left in pain or distress because licensed vets could not get to problem locations quickly enough to intervene.
- Officer O'Brien argued that HB616-FN does not protect animals, but rather locks law enforcement's ability to help them.
- She asked the committee to find the bill inexpedient to legislate.
- Senator Altschiller asked what kind of training Officer O'Brien received prior to taking on her position.
 - Officer O'Brien replied that she was trained by the Hudson Animal Control Officer, Windham Animal Control, as well as the individual that held her position in Salem prior to her taking the job.
 - She noted that animal control officers receive continuing education training yearly at the University of New Hampshire.
 - In addition, she holds national accreditation with an organization of animal control officers.
- Senator Altschiller asked if there was any formal organization of other animal control officers in the state and asked if they collaborate.
 - Officer O'Brien answered that there is and she is the Secretary for the Animal Control Officers Association of New Hampshire.
 - She noted that the organization was not in favor of HB616-FN; however, they could not state that in an official capacity because they were not able to get a quorum prior to the hearing.

Michelle Murch

NHSPCA

- Ms. Murch explained that she was strongly opposed to HB 616-FN because of the hampering effect it would have on animal cruelty investigations.
- She noted that as the equine and farm program manager for the NHSPCA, humane officer, and retired law enforcement officer she brings a unique perspective to the issue.
 - She further noted that she has an extensive background working with livestock animals.
- Ms. Murch stated that she received the same training as New Hampshire's active police officers and has worked in conjunction with law enforcement on numerous occasions where standard operating procedure was performed.
- She suggested that HB 616-FN was a reaction to incomplete information stemming from one animal cruelty investigation in Lee, NH.
- Ms. Murch explained that she assisted in the investigation which took place in accordance with the standards laid out by the Governor's Council on the Humane Treatment of Animals.
- Two USDA accredited veterinarians were involved with investigation to provide expert assessments and evaluations.
- Ms. Murch suggested that the investigations are often emotionally charged for all involved.
 - She pointed out that an owner's good intentions often do not equate to adequate care for their animals.
- She stated that the NHSPCA is one of a few locations in New Hampshire that is capable of caring for seized livestock.
 - The service is provided at no cost to taxpayers.

- The cost of care fund from the state helps, but it does not fully cover the costs related to the care of animals.
- She noted that HB 616-FN would prohibit organizations from raising money for the care of animals which could severely inhibit their ability to provide the service.
 - As a result, municipalities and taxpayers would endure the cost burden.
- Representatives of the SPCA and other organizations are trained specialists in the care and evaluation of animal welfare cases.
 - Law enforcement often rely on the support of humane officers in abuse cases.
- She argued that limiting the ability of humane officers to assist law enforcement could have unintended consequences that would negatively impact animal abuse cases.
- Ms. Murch explained that overly scripted language could result in a one size fits all approach that hampers law enforcement efforts.
 - HB616-FN would undermine animal cruelty investigations, limit the critical role of duly licensed humane officers, jeopardize the welfare of animals, and create significant financial challenges for organizations tasked with providing care.

Benjamin Leonard

- Mr. Leonard stated that he is in support of HB 616-FN, as he has been involved in the process first hand.
 - He was not found guilty of any charges at all, but went through the process which was very emotional, costly, and stressful.
- He noted that he does not know all the details of the Lee case, but when organizations come to an individual's home with police, that person can become easily overwhelmed.
 - Often there are threats that the individual turns over their animals or face the prospect of being brought to court with criminal charges.
- Mr. Leonard explained that, in his case, he did not turn over his animals and went through the judicial process, but noted that it is easy to be manipulated.
- He suggested that it would be helpful to add language to HB 616-FN pertaining to the allowance of a grace period in order to have a third party evaluate aspects of the case and documents that are presented to the individual.
- He noted that it is important for law enforcement to have training in the care of livestock, but suggested that a very small percentage of people today have livestock knowledge.
- Mr. Leonard offered that section three be amended to outline the location where seized livestock will be sent.
 - In his case, he was not given any knowledge of where his animals were going.
- He also suggested that section six be amended to provide a notice to the owner be given of what care is to be offered to their animals.
- Lastly, he suggested that the bill should provide an allowance so that if someone is not found guilty of any charges, they should not be required to pay for the seizure of their animals.

Commissioner Shawn Jasper

New Hampshire Department of Agriculture, Markets, and Food

- Commissioner Jasper noted that none of the speakers before him actually spoke to the verbiage of HB 616-FN, they merely spoke about theories on things that don't actually exist.
 - As the law exists today, animals may not be seized unless charges are filed
- He explained that in cases where the Department of Agriculture accompanies law enforcement to evaluate situations pertaining to animal care, if the animals are deemed to be in danger, they are asked to be surrendered.
- He suggested that two sections of the current law are often confused by law enforcement.

- The first pertains to evaluating animals and the process for surrendering them, should they be deemed unfit or at risk, and subsequent charges for the owner if they refuse.
 - The second one refers to protective custody. Protective custody is only relevant if someone reports an animal in distress and the owner is nowhere to be found. If after seven days the animals have not been claimed, law enforcement can petition the court to grant protective custody.
 - He argued that the protective custody provision is what is getting convoluted.
- Commissioner Jasper argued that this law is a mess because it also talks about a licensed officer of a humane society being able to seize an animal.
 - There are no licensed humane officers in New Hampshire.
- He allowed that in some cases animals are seized, in others they are not and any number of things can happen that the law does not explicitly prevent from happening.
- Commissioner Jasper noted a case in which his agency investigated the condition of a number of horses.
 - Their recommendation was that the horses be seized, but the police refused.
 - In the end, they were forced to watch the condition of the horses deteriorate and they became emaciated.
- Ultimately, he had to tell the chief of police in the town that the agency would not go back because it would be inhumane for his employees to watch the animals suffer unless they were to be seized.
- Commissioner Jasper noted that the bill was worked on with numerous agencies to get the proper language and it does not take away any rights.
 - It protects rights of owners as well as the rights of animals.
- He argued that in other circumstances, law enforcement would not be allowed to seize any private property without due process and charges being filed.
- Senator Altschiller asked if he could explain how cost of care is paid out when an animal needs to be seized.
 - Commissioner Jasper replied that there was a lag in payouts and the payments are quarterly.
 - The entity agreeing to accept the animals can charge the town upfront.
 - The town pays out the fee initially and is reimbursed by the state later.
 - He noted that in small towns, the way the municipal budget law works, the money paid would go to the general fund, not the account which was drawn upon.
 - Under HB 616-FN, the entity taking the animals are paid directly.
 - He argued that if someone is using those animals to fundraise, while also being reimbursed by the state for the care, it is double dipping.
- Sen. Altschiller asked how much the state paid for daily care and asked if it ranged by animal.
 - Commissioner Jasper said he didn't have all the figures, but confirmed that they work with market averages for different types of animals.
- Sen. Altschiller asked if the average charge was reflective of a pig that is malnourished, has a broken bone, etc.
 - Commissioner Jasper answered that extra needs, like surgery, are subject to a limit. The state won't put 100k into a pig, however, reasonable care is allowed.
 - He further stated that necessary medical care will be taken care of.
- Sen. Altschiller asked if she was correct that the payout is not a set amount.
- She noted that the differentiation in cost between a surgery and wound care is very different, and asked how the department evaluated and determined cost of care.
 - Commissioner Jasper noted that there are daily base rates as well as rates for all additional services that are deemed necessary.
- Sen. Abbas referred to language on the first page, lines 3-6 and asked if the police or the veterinarians would be taking the animal.
 - Commissioner Jasper explained that they endeavored to always have veterinarians on site when possible, however, noted that it is ultimately up to law enforcement.

Representative Kelly Potenza

Strafford - District 19

- Representative Potenza noted that she sits on the House Committee of Environment and Agriculture.
- She noted that the bill went through so much work in collaboration with several parties.
- Representative Potenza explained that she had the same frustrations as Commissioner Jasper.
- She suggested that most of the concerns regarding HB 616-FN are already covered under statute.
- HB 616-FN came out of the House committee as a bipartisan bill with 100% support.
- Under HB 616-FN, wellness checks and all abuse investigations would still be permissible. Seizure of animals without a conviction would not be.
- Another concern is not simply about organizations that are looking to fund raise.
 - HB 616-FN will not stop any of that, it merely prohibits using someone's name and private information for fundraising prior to a conviction.
- Representative Potenza noted that there have been instances of individuals being slandered on social media accused of committing a crime before a crime takes place.
 - She noted that, in other words, people were being convicted in the court of public opinion before they were convicted at all.
- Representative Potenza reiterated that HB 616-FN has gone through so much work and it seeks to fix some inherent problems.
- She asked that the committee speak with Commissioner Jasper and Chairwoman Aron if they had any questions or concerns.
- Senator Altschiller asked about page 2 lines 15-17 and noted that it doesn't say anything about people, it only mentions animals. She asked how one could stop anyone from saying anything online.
 - She suggested that if someone is the person whose animal was seized and they want to launch money for legal defense, they can't do so under HB 616-FN.
 - Rep Potenza explained that she did not read it the same way because it is directed at organizations maintaining protective custody of animals at the time.
 - She noted that the current language is the best wording they came to.
 - She referenced that farms were named in social media posts and people came out with pitchforks.
 - Representative Potenza noted that HB 616-FN protects everyone involved.
 - She suggested that everyone just needs to start being kind, and a lot of people aren't.
- Senator Altschiller stated that HB 616-FN doesn't prevent conviction through the court of public opinion.
- She asked how we justify having a three-month lag getting organizations the help they need.
 - Representative Potenza stated that as long as animals were confiscated lawfully, it would not be an issue. The media can report stories, but that alone does not convict people in the court of public opinion.
 - The commissioner stated that the funds were sufficient.
 - She suggested that she still thinks HB 616-FN is valid and should be applied universally.
- Senator Abbas asked if there is a way to narrow language to address concerns with social media specifically.
 - Representative Potenza replied that she would be OK with an amendment.
 - Representative Potenza clarified that the ASPCA commercials would not be banned or targeted.
 - When advertisements attacked the character of individuals is when it became an issue.

Tad Dionne

Chief of Police, Hudson Police Department

- Chief Dionne appeared with Janet Millen, the animal control supervisor in Hudson for 26 years.
- Chief Dionne explained that many agencies were collaborated with in regard to HB 616-FN, but law enforcement was not.
- He stated that law enforcement works directly in the field and has a dual role to protect animals as well as private property.
- Chief Dionne noted that the NH Association of Chiefs of Police opposes HB 616-FN.
- He did not feel HB 616-FN clarifies anything.
- It would slow down the investigation which could be detrimental to an animal's health.
- Chief Dionne explained that evidence is seized without anyone being charged all the time. Law enforcement's burden is to show that evidence can be found in certain locations, not to charge someone.
 - He noted that an arrest would not be made until a burden of proof is established.
- He argued that the language of HB 616-FN needs to be looked at further and a committee that includes law enforcement should first be formed to confer.

Dr. Lisa Boyer

Licensed Veterinarian

- Dr. Boyer stated she is a NH licensed vet as well as a former FBI agent.
- She noted that she opposed the bill as written and was one of the vets on site during the Lee case.
- Dr. Boyer explained that law enforcement does not ever want to seize an animal from its owner.
- She stated that she has seen cases go wrong in other states.
 - Her job is to say whether animal cruelty is taking place.
- She noted that there have been cases where they have given all the education they could give.
 - Seizure of the animals is a last resort.
- Dr. Boyer explained that vets have an oath to protect animals.
 - Forcing violation of that oath under certain circumstances is not acceptable.
- Senator Altschiller asked if she was employed by state.
 - Dr. Boyer stated that she is an independent veterinarian and is asked to evaluate abuse cases.
- Senator Altschiller asked how the evaluation is made.
 - Dr. Boyer explained that they go in to do an investigation in cooperation with various organizations. They then discuss the findings and make a determination on if a person is capable of caring for the animals.
- Senator Altschiller asked if there was an opportunity for an animal owner to make corrections.
 - Dr. Boyer explained that seizures result from less than 2% of all investigations and are not something that is taken lightly.
 - She further stated that no animals were euthanized for mastitis in Lee. They were only euthanized as a result of the abuse they were suffering.
 - The farm in Lee was monitored to see if conditions had improved, subsequent visits showed nothing had changed and they acted accordingly.
 - The owner did not have bad intentions, but there was not a recognition of the pain and suffering of the animals.

Maryanne Rosanne

- She recalled a time in which she had gone to a drug house in Concord where a cat suffered with a rotting uterus.
- Animal control officers are essential to the protection of animals and combating animal neglect.
- Ms. Rosanne argued that regular law enforcement are not equipped to deal with certain situations.

Stacey Ober

American Kennel Club

- Ms. Ober noted that she wanted to commend the efforts of those who brought the bill forward.
- She noted that HB 616-FN was not a result of only one incident.
- The House Environment and Agriculture Committee amended the language.
- She argued that it is not in anyone's best interest to have animals languishing away in protective custody.
 - If the situation is severe enough to require seizure, it should also require the conviction of a crime.
- She related a case where dogs were seized from an individual for 18 months before charges were brought forward.
- Ms. Ober argued that the spirit of HB 616-FN is to say that if it is so severe to need seizure, must be severe enough to bring charges.
- She suggested that sometimes people are innocent and their charges can be dropped, but many press releases were sent out when the dogs were seized. It required significant effort to get the information removed from the Internet.
- Ms. Ober noted that people deserve privacy.
- She explained that she supports HB 616-FN.

Joan O'Brien

N.H Animal Rights League

- Ms. O'Brien explained that animal cruelty laws are intended to protect animals not people.
- She noted that the bill seems as if it was crafted by farmers for farmers.
 - She was concerned that the committee it calls for forming would only do the same.
- Ms. O'Brien suggested that animal cruelty complaints are fielded all the time.
 - Law enforcement knows how to develop trust with the accused.
- She confirmed that online badgering may be unjust, but it is not against the law.
- She explained that she supports the provision for keeping lactating mothers with their offspring.

Jozie Best

- Ms. Best stated she heard the story of the case in Lee and decided that she must do something to protect animals from the cruelty that was done on that day.
 - Nothing is crueler than taking an animal from the place they know.
- She explained that there needs to be a veterinarian or some kind of authority there than can evaluate the animal properly.
- Ms. Best noted that the Farm Bureau worked very hard on the bill and there is a need for the study.
- It worried her that there still hasn't been a trial for the case and no charges have been filed.
- Ms. Best argued that personal property is protected in the USA.
- She suggested that the case needs a lot of work to remedy and noted that different stories had been told.
 - She pointed out that the condition of barn had not been discussed.
- Ms. Best hoped that HB 616-FN can work to fix the discrepancies in the law.

Erick Sawtelle

- Mr. Sawtelle is a resident of Lee, NH and spoke in support of HB 616-FN.

John Porter

Dairy Specialist

- Mr. Porter stated that the intent of the bill was not to take away the excessively bad cases, but to create a pause in immediate seizure of borderline cases.
- He suggested that keeping an animal at its location is better than taking it away.
- Mr. Porter sought to restore farms to make them better.
- He spoke in support of HB 616-FN.
- Mr. Porter noted that New Hampshire has a history of opening farms to the public, and the potential for seizure of their animals puts a damper on that.

Donna-Lee Woods

Hickory Nut Farms

- Hickory Nut Farms is a farm that produces goat dairy products.
- Ms. Woods stated that Hickory Nut Farms used to be an open farm until a woman came to visit and called the SPCA because of the conditions of the winter packed stalls.
 - A number of days later, the Lee Chief of Police served her with a search warrant under the threat of arrest.
 - She noted that she had no idea of her rights and had never felt that bullied before.
- Ms. Woods explained that several of her goats were seized and she was told that the authorities would have to kill her five grandmother goats due to advanced age.
- She noted that the farm practiced winter pack for the goats where have is allowed to build up throughout the winter to keep the goats warm.
- Ms. Woods stated that the police physically restrained her during the process and then ignored her as she asked for help.
- She noted that the goats suffered abuse during the process and the SPCA did not milk the lactating goats after they were seized which caused them to develop mastitis.
- Ms. Woods explained that the SPCA tried to sell her goats back to her on the condition that they have access to her property for monitoring.
 - She noted that the SPCA took 54 goats, killed 22, and offered the rest back for \$40,000.
- Sen. Abbas asked if a state veterinarian was present during the investigation.
 - Ms. Woods explained that a vet came the first time, and two vets showed up the second time.
 - She did not believe they were state vets.

Robert Johnson

NH Farm Bureau

- Mr. Johnson stated that the Farm Bureau supports HB 616-FN and believes that in order for animals to be taken it should be done through a public official.
- Mr. Johnson noted that the way law reads today allows for no public oversight or accountability.
- He explained that HB 616-FN expands existing statute to allow for additional veterinarians to evaluate the animals.
- Mr. Johnson provided additional written testimony as well.

Representative Peter Bixby

Strafford-District 13

- Representative Bixby noted that he worked with Senator Pearl to revise the statutes in 2018
 - He thought they had improved the due process at the time.
 - Many of the rights established in the due process only come into play if someone is charged with a crime.
 - If they are not charged and animals are seized, they do not have those rights which is why HB 616-FN was written to ensure that someone is charged prior to the seizure of their animals.
- He noted that in some cases individuals are given the opportunity to surrender their animals, but are not always aware of the ramifications of the documents they are asked to sign.
 - Once the animals are signed away, they no longer have a right to them.
- Representative Bixby explained that under current statute, the default cost of care falls on municipalities.
 - When an officer is bringing charges, that officer is and his or her department is responsible for the money to care for the animals.
- He noted that they created the cost of care fund to ensure that municipalities are protected.
- He argued that people besides sworn officers of the state should not be executing the criminal code.
- Most of bill clarifies due process rights of animal owners and ensures due process will be applied correctly.
 - The study committee is necessary because the statute has been amended so many times and is a ramshackle mess.

Lisa Dennison

NHSPCA

- Ms. Dennison noted that NHSPCA officers are not allowed to seize animals without a search warrant.
- She stated that the NHSPC has fielded 56,000 complaints of animal abuse over the past 10 years and many of them are unfounded.
- She explained that when animals are in protective custody, they would love for the proceedings to be expedited, but noted that sometimes it takes time.
- Ms. Dennison explained that the cost of care fund caps their payouts to \$500 per animal and noted that one cannot leave a vet's office for under \$500.
 - The total cap is \$5000 for all animals.
- She noted that the towns are liable for the bill but they don't necessarily pay it.
 - Putting the animals first is the burden that the NHSPCA takes on and they are licensed by the Department of Agriculture.
- Senator Altschiller asked about the cost of care for animals.
 - Ms. Dennison stated that it was \$40 per day for livestock, \$5 per day for poultry, \$500 for medical, and a \$5000 cap for one case.
- Senator Altschiller asked if \$5000 was for one case or for one animal.
 - Ms. Dennison stated that to her understanding it was for one case and referred to a case in Northwood where they were able to settle for \$10,000 on a \$95,000 bill.
- Senator Altschiller asked when the cost of care is reviewed.
 - Ms. Dennison explained that it was just instituted two years ago.
 - She noted that they need to find experts in every field and are at the mercy of the veterinarians.

Kurt Ehrenberg

N.H State Director - Humane World for Animals

- Mr. Ehrenberg opposed HB 616 because it debilitates animal cruelty investigations in New Hampshire and requires animals to be returned to owners even when they were neglected.
- He explained that HB 616-FN would leave local and state police to remove animals from problem situations on their own and also left them with the burden of cost.
- Mr. Ehrenberg suggested that the committee think about how animal welfare organizations operated and how they have been integral to operations in the state without any nefarious intentions.

Henry Ahern

Chairman, Livestock Committee - N.H Farm Bureau

- Mr. Ahern explained that he owned a deer farm in Plymouth, New Hampshire.
- Mr. Ahern stated that he supports HB 616-FN because it concerned him that someone who had no knowledge of his animals could report him to the authorities and potentially cause his livestock to be seized.
- He noted that HB 616-FN would ensure that livestock veterinarians or designees with agricultural knowledge would be the ones to evaluate animals prior to seizure.

PM

Date Hearing Report completed: April 30, 2025