

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 512
3 entitled “An act relating to adequate shelter of dogs and cats” respectfully
4 reports that it has considered the same and recommends that the Senate
5 propose to the House that the bill be amended as follows:

6 First: In Sec. 2, 13 V.S.A. § 365, by striking out subsection (f) and
7 inserting in lieu thereof the following:

8 (f) Tethering of dog.

9 (1) ~~A Except as provided under subdivision (2) of this subsection, a dog~~
10 ~~chained to a shelter must~~ maintained outdoors on a tether shall be on a tether
11 ~~chain~~ at least four times the length of the dog as measured from the tip of its
12 nose to the base of its tail, and shall allow the dog access to the shelter.

13 (2)(A) A dog regularly used in training or participation in competitive or
14 recreational sled dog activities and housed outdoors in close proximity with
15 other dogs may, if necessary for the safety of the dog, be maintained on a
16 tether three times the length of the dog, as measured from the tip of its nose to
17 the base of its tail.

18 (B) If a tethering method involves the use of a trolley and cable and
19 allows the dog to move freely along the length of the cable, the tether shall be
20 long enough to allow the dog to lie down within its shelter without discomfort.

1 (3) A tether used for any dog shall be attached to both the dog and the
2 anchor using swivels or similar devices that prevent the tether from becoming
3 entangled or twisted. The tether shall be attached to a well-fitted collar or
4 harness on the dog. The tether shall be of a size and weight that will not cause
5 discomfort to a tethered dog. A choke collar shall not be used as part of a
6 tethering method. Unless the dog is tethered to a trolley and cable system in
7 accordance with subdivision (2)(B) of this subsection, the tether shall be
8 attached to the anchor at a height no greater than that of the dog's withers
9 while standing.

10 Second: By striking out Sec. 3 in its entirety and inserting in lieu thereof
11 the following:

12 Sec. 3. 24 V.S.A. § 1943 is added to read:

13 § 1943. ANIMAL CRUELTY INVESTIGATION ADVISORY BOARD

14 (a) An Animal Cruelty Investigation Advisory Board is created within the
15 Department of Public Safety to advise the Governor, the General Assembly,
16 and the Commissioner of Public Safety on issues involving the cooperation
17 and coordination of all agencies that exercise animal welfare responsibilities.

18 The Governor shall appoint the following to serve on the Board:

19 (1) the Commissioner of Public Safety or designee;

20 (2) the Executive Director of State's Attorneys and Sheriffs or designee;

21 (3) the Secretary of Agriculture, Food and Markets or designee;

1 (4) the Commissioner of Fish and Wildlife or designee;

2 (5) two members to represent the interests of organizations dedicated to
3 promoting the welfare of animals;

4 (6) three members to represent the interests of law enforcement;

5 (7) a member to represent the interests of humane officers working with
6 companion animals;

7 (8) a member to represent the interests of humane officers working with
8 large animals (livestock);

9 (9) a member to represent the interests of dog breeders and associated
10 groups;

11 (10) a member to represent the interests of veterinarians;

12 (11) a member to represent the interests of the Criminal Justice Training
13 Council;

14 (12) a member to represent the interests of sportsmen and women; and

15 (13) a member to represent the interests of town health officers.

16 (b) The Board shall elect a chair and a vice chair which shall rotate among
17 the various member representatives. Each member shall serve a term of two
18 years. The Board shall meet at the call of the Chair. A quorum shall consist of
19 eight members, and decisions of the Board shall require the approval of a
20 majority of those members present and voting.

1 (c) The Board shall have the following duties:

2 (1) undertake an ongoing formal review process of animal cruelty
3 investigations and practices with a goal of developing a systematic,
4 collaborative approach to providing the best services to Vermont's animals,
5 given monies available;

6 (2) work with the Department of Public Safety to study the feasibility of
7 designating one law enforcement agency to receive, dispatch, and document
8 the outcome of animal cruelty complaints, and with the assistance of the
9 Vermont Sheriffs' Association, develop a uniform response protocol for
10 assigning complaints to the appropriate local law enforcement agencies;

11 (3) to ensure that investigations of serious animal cruelty complaints are
12 systematic and documented, develop written standard operating procedures and
13 checklists to support the objective investigation of cruelty complaints that
14 include objective measures of both environmental and clinical evidence of
15 cruelty;

16 (4) ensure that requests for voluntary compliance are made in writing,
17 with clear requests and timelines, and include a timeline for the investigator to
18 perform a follow-up visit to confirm actions taken;

19 (5) develop a guide for animal cruelty prosecution, including a review of
20 current sentencing recommendations for State's Attorneys;

1 (6) research the feasibility of developing and implementing an animal
2 cruelty prevention and education program for offenders to be used as a part of
3 offenders' sentencing;

4 (7) explore potential private and public sources of funding for animal
5 cruelty investigations, including animal care expenses;

6 (8) develop trainings, protocols, procedures, and guidance documents
7 for agencies engaging in animal welfare responsibilities;

8 (9) develop an animal cruelty investigation certification program for
9 humane officers in accordance with 13 V.S.A. § 356, and provide a means by
10 which a person who has been actively engaged in this State as a humane
11 officer conducting animal cruelty investigations for at least five years
12 preceding July 1, 2016 shall be eligible for certification without completion of
13 the certification program requirements;

14 (10) develop recommendations for providing liability protection and
15 reducing uncompensated costs to animal shelters and animal welfare groups
16 that assist law enforcement authorities in animal cruelty investigations;

17 (11) explore changing the annual deadline for dog licensure under 20
18 V.S.A. § 3582 to better align with the time of year dogs require annual
19 veterinary care; and

1 (12) determine what should appropriately constitute an enforcement
2 action triggering the obligation of the Agency of Agriculture to assist law
3 enforcement pursuant to 13 V.S.A. § 354(a).

4 (d) The Board shall meet no fewer than six times a year to undertake its
5 duties as outlined in subsection (a) of this section. The Board shall present its
6 findings and recommendations in brief summary to the House and Senate
7 Committees on Judiciary annually on or before January 15.

8 Sec. 4. 20 V.S.A. § 2365b is added to read:

9 § 2365b. ANIMAL CRUELTY RESPONSE TRAINING

10 As part of basic training in order to become certified as a Level Two and
11 Level Three law enforcement officer, a person shall receive a two-hour
12 training module on animal cruelty investigations as approved by the Vermont
13 Criminal Justice Training Council and the Animal Cruelty Investigation
14 Advisory Board.

15 Sec. 5. 13 V.S.A. § 356 is added to read:

16 § 356. HUMANE OFFICER REQUIRED TRAINING

17 All humane officers, as defined in subdivision 351(4) of this title shall
18 complete a certification program on animal cruelty investigation training as
19 developed and approved by the Animal Cruelty Investigation Advisory Board.

1 Sec. 6. 13 V.S.A. § 354 is amended to read:

2 § 354. ENFORCEMENT; POSSESSION OF ABUSED ANIMAL;

3 SEARCHES AND SEIZURES; FORFEITURE

4 (a) The Secretary of Agriculture, Food and Markets shall be consulted prior
5 to any enforcement action brought pursuant to this chapter which involves
6 livestock and poultry. Law enforcement may consult with the Secretary in
7 person or by electronic means, and the Secretary shall assist law enforcement
8 in determining whether the practice, animal condition, or both represent
9 acceptable livestock or poultry husbandry practices.

10 * * *

11 Sec. 7. DEPARTMENT OF CORRECTIONS; ANIMAL CARE PILOT

12 PROGRAM

13 The Commissioner of Corrections shall implement a pilot program in at
14 least one correctional facility that would permit qualified inmates to provide
15 temporary care, on-site, for animals on a weekly or more frequent basis. The
16 program shall be established on or before January 1, 2017, and the
17 Commissioner shall report on this program, with recommendations as to
18 whether it could be expanded to care for animals that have been seized or
19 relinquished in cruelty or neglect investigations, to the Joint Committee on
20 Justice Oversight on or before November 1, 2017.

1 Sec. 8. EFFECTIVE DATE

2 This act shall take effect on July 1, 2016.

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5 (Committee vote: _____)

6

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Senator _____

8

FOR THE COMMITTEE