

Dear Representative Grad.

Thank you so much for allowing me to testify yesterday. I am including language which I think would clarify S123. This bill is outlining the cooperation and partnership between law enforcement and individual shelters or rescue organizations. The people on the law enforcement end of the situation have had training in the need to preserve evidence. There is no way of knowing what kind of training a rescue or shelter organization has provided to the volunteers or employees that work for it. I think that it is important to make sure that the law clarifies the importance of preservation of evidence.

Last year I was present while the House Agriculture and Forestry Committee took evidence on an animal housing bill. A woman who claimed to represent a rescue in the Williamstown area explained how she was unable to get police help to remove a dog from a "bad home" so she took it on herself to find him a better home "if you know what I mean".

Office of Whipple is correct in that personal experience with local shelter and rescue organizations is key.

In Vermont there are over 65 individual town city or county organizations of sworn law offices in addition to the state police. There is no oversight of shelters or rescues. These facts make me feel that this addition to Senate 123 could prevent future problems.

In Sec. 1 of the bill, amend proposed subpart (d) of 3903 to read (newly-proposed text highlighted):

(d)Immunity from liability. Notwithstanding section 3901a of this title, any animal shelter or rescue organization assisting law enforcement in an animal cruelty investigation or seizure that, in good faith, provides care and treatment to an animal involved in the investigation or seizure shall not be held liable for civil damages by the owner of the animal unless the actions of the shelter or organization constitute gross negligence. For the purposes of this section, gross negligence shall include, but not be limited to:

- (1) material or non-reversible alteration, sterilization, or euthanization of an animal, unless determined medically necessary by a licensed veterinarian;
- (2) injury sustained or illness contracted by the animal while in the possession of the shelter or rescue; or
- (3) transfer of possession and ownership of a seized animal prior to the effective termination of the original owner's interests, as effectuated by judicial action, including exhaustion of appeals if applicable, or forfeiture by the animal owner.