



**THE HUMANE SOCIETY**  
OF THE UNITED STATES

Testimony By: Barry Londeree

Presented To: Vermont House Committee on Judiciary

In Support Of: S. 12 - An act relating to increasing the maximum prison sentence for first, second, and subsequent offenses of aggravated animal cruelty (as well as H.188 and H.325)

Date: April 6, 2017

Dear Chairwoman Grad and Honorable Committee Members,

My name is Barry Londeree. I am the Vermont State Director for The Humane Society of the United States (HSUS), and I appreciate the opportunity to submit testimony in support of S.12 on behalf of our Vermont members and supporters.

As passed by the Senate, S.12, introduced by Sen. Bobby Starr, would increase the maximum prison sentence for the first offense of aggravated animal cruelty to five years and increase the maximum prison sentence for second and subsequent offenses of aggravated animal cruelty to ten years. HSUS supports these maximum sentence increases and believes it properly reflects the serious nature of these offenses.

The Senate Committee on Judiciary also received testimony that the bill could be improved by amending the language in Sections 352(1) and 352a(1) that prohibit behaviors intended to kill or attempt to kill an animal. The inclusion of a “reckless course of conduct” standard would allow for the prosecution of individuals who engage in behavior that they should have known would result in the death of an animal, regardless of whether the behavior was intentional. This is a very important provision that would hold individuals accountable for killing animals through actions that deviate from what a reasonable person would do, including rash and careless acts that go far beyond mere negligence.

This “reckless course of conduct” language is included in another bill, H.188, introduced by Rep. Kurt Wright and pending in this Committee. That bill also modifies the maximum sentences for animal cruelty convictions similar to S.12. HSUS strongly supports including the “reckless course of conduct” standard in the final bill because it would provide State’s Attorneys with the capacity to pursue appropriate animal cruelty charges and sentences commensurate to the crimes committed.

Attention to the issue of animal cruelty prosecutions is warranted. There is general frustration among those involved in animal cruelty investigations on behalf of animal shelters and rescue groups that animal-related crimes are often insufficiently charged or prosecuted. Aggravated animal cruelty charges or imprisonment for animal cruelty convictions are exceedingly rare. Additional options for animal cruelty prosecutions, combined with lengthened maximum prison sentences, should encourage positive changes in enforcement practices.

As this Committee considers legislation to improve the enforcement of animal cruelty that is already illegal under Vermont law, I believe this is an appropriate opportunity to consider prohibiting an offense that is also abhorrent, but currently legal: animal sexual abuse. Legislation to prohibit this behavior, H.325, has been introduced by Rep. Curt McCormack and is pending in this Committee.

First of all, I recognize this is an uncomfortable subject that decent people don't like to discuss, and humor is often employed to deflect from conversation. But this repugnant behavior is no joke. Animal sexual abuse is not isolated, deviant behavior. It is a serious and violent offense. For the sake of Vermont's animals and humans, it should be illegal conduct in our state.

Animal sexual abuse is clearly linked to human crime and cruelty. Extensive case history shows that bestiality has strong ties to pedophilia. The FBI has found high rates of sexual assault of animals in the backgrounds of serial sexual homicide predators. Bestiality is the single largest risk factor and strongest predictor of increased risk for committing child sexual abuse, and the sexual abuse of animals is often linked to future sexual abuse of humans.

Law enforcement organizations have taken notice of this correlation and have pushed for an increased focus on animal cruelty crimes. At the urging of the National Sheriffs Association, in 2016 the FBI began tracking several categories of animal cruelty crimes, including bestiality, through the Bureau's National Incident-Based Reporting System. Unfortunately, Vermont is one of only eight states, the only one north of West Virginia, where bestiality is not explicitly prohibited. As with any crime, weak laws make a state more vulnerable to unwanted activity, and the prevalence of this problem in Vermont is likely to grow the longer we remain the only state in the Northeast permits this offensive behavior.

Increasingly, the Internet facilitates this crime and allows it to flourish. Perpetrators use various websites, such as *Beast Forum*, to seek out each other another where they trade, rent, and sell animals for sexual purposes. On *Beast Forum*, there are several pages of requests from people in Vermont seeking animals such as dogs, horses and livestock for sexual purposes.

Like many Vermonters, you may believe that bestiality is already prohibited by existing animal cruelty laws. This is simply not the case. Current animal cruelty laws are successful tools only in situations where 1) the animal is present and can be evaluated by a veterinarian as evidence in the prosecution and 2) the animal has sustained physical damage and that damage or injury can be

proven to be a result of the sexual assault. In addition, many cases are not brought about from physical injury to the animal but from an eye witness complaint or videos and images found during the investigation of other crimes. Currently, there is no recourse in those cases. Finally, the act of advertising, renting, selling, or training an animal for sexual encounters with humans occurs before the act of cruelty is committed. H.325 will prohibit those actions as well.

It is unacceptable that Vermont remains the only state in New England that permits the sexual abuse of animals. For the reasons outlined in this testimony, I ask that you include a prohibition on animal sexual abuse in S.12 or move forward with consideration of H.325.

Thank you for the opportunity to testify and your Committee's attention to this important legislation.



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