



THE HUMANE SOCIETY
OF THE UNITED STATES

Testimony By: Barry Londeree
Presented To: Vermont Senate Committee on Judiciary
In Support Of: H.566 - An act relating to animal cruelty
Date: March 30, 2018

Dear Chairman Sears and Honorable Committee Members,

As the Vermont State Director for The Humane Society of the United States (HSUS) and the Vice President of the Vermont Humane Federation (VHF), I appreciate the opportunity to submit testimony in support of H.566 on behalf of our Vermont members and supporters.

This legislation would enact a simple yet important fix to the current animal cruelty statute to bring it in line with what I believe was the original intent of the legislature. The bill would change, in 13 V.S.A. Sec. 352 (2), the term “beats” to “strikes one or more times.” The need for this legislation is a result of a court decision last year (*Vermont v. Jenness*) in which an animal cruelty charge against a defendant who allegedly forcefully kicked a dog was dismissed by the judge because he determined that, based upon the dictionary definition of the term “beats,” current law requires striking the animal multiple times to qualify as animal cruelty.

As a result of this decision, Vermont currently has what could be fairly called a “one free strike” policy. This means that a person may cruelly kick or hit an animal once (including with an object), potentially causing that animal severe physical injury, and not be subject to any legal consequences. Aside from permitting acts of cruelty to go unpunished, this current standard also raises the absurd theoretical question of how far apart do two acts of cruelly “striking” an animal have to be in order to qualify as an act of “beating.” This confusing and overly narrow policy is not the appropriate standard for animal cruelty that should be supported by the legislature.

Changing current statute as provided in H.566 would not substantively alter the type of actions that would qualify as animal cruelty. The court already accepts that the definition of “beats” is “an act of *striking* with repeated blows so as to injure or damage.” As such, the underlying interpretation in case law of what constitutes a “strike” of an animal remains unchanged. The proposed language also retains the qualifier “cruelly” as a component of the prohibited action, meaning the severity of the type of “strikes” that could be prosecuted under

the revised law would be unchanged. The only functional reform that would result from enactment of this bill will be to allow for incidents of a single cruel strike of an animal to be prosecuted if warranted by the evidence.

On behalf of the HSUS and VHF, I ask for your support for H.566 and to report it favorable to the full Senate. Thank you for your consideration of this testimony and your Committee's attention to this important legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry Londeree", with a long horizontal flourish extending to the right.

Barry Londeree, Vermont State Director
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