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KENNEL CLUBSM

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Wednesday, February 7, 2018

Senator Dick Sears, Jr., Chair
Vermont Senate Judiciary Committee
115 State Street
Montpelier, VT 05633-5301

RE: American Kennel Club Deeply Concerned with Senate Bill 123

Chairman Sears and Members of the Senate Judiciary Committee:

The American Kennel Club (AKC) writes today to express our deep concerns with Senate Bill 123, which seeks to provide animal shelter or rescue organizations that assist law enforcement in animal cruelty investigations or seizures with immunity from civil liability damages claimed by owners of animals unless their care and treatment constitutes gross negligence. We respectfully request that S.123 not be approved as currently written.

The American Kennel Club was established in 1884 and promotes the study, breeding, exhibiting, and advancement of purebred dogs. We represent over 5,100 dog clubs nationally, including 11 clubs in Vermont. We advocate for the purebred dog as a family companion, advance canine health and well-being, protect the rights of dog owners, and promote the ideals of responsible dog ownership.

The AKC, which has long maintained a zero-tolerance policy regarding cruelty, recognizes the notable roles private shelter and rescue organizations can play in aiding law enforcement agencies' cruelty investigations. However, as an advocate that also seeks to protect the rights of all dog owners, we are concerned with unforeseen consequences that can result should S.123 be enacted as currently written.

On principle, we contend that no material and non-reversible alteration (including sterilization), alienation, or euthanization of an animal may occur a case against an animal's owner is pending; and unless and until the termination of ownership rights becomes effective upon a determination of guilt and completion of appeals, other judicial action, or self-forfeiture by the animal owner.

We believe Vermont state law should best ensure that someone acquitted of cruelty charges or against whom charges are dropped will not be erroneously deprived of their property or its substantive qualities. We contend that by significantly raising the burden of proof required of a person to make a civil claim against a shelter or rescue, S.123 will make it unreasonably harder for individuals to seek redress in the civil court system. For these reasons, we oppose Senate Bill 123 and respectfully request that it not be approved as currently written.

Thank you for your consideration. I am happy to provide greater detail and explanations for our concerns with S.123. Please do not hesitate to contact me for any reason at 919-816-3503.

Sincerely,

Phil M. Guidry, JD
Director, Policy Analysis
AKC Government Relations

CC: Peggy Delaney, Committee Assistant