

## **Connecticut Sentencing Commission Scope of Study on Animal Cruelty Statutes (2022)**

### **Introduction**

On May 25, 2022, Representative Borer requested that the Connecticut Sentencing Commission look into reforming Connecticut's animal cruelty statutes. This Scope of Study document responds to that request.

There are many compelling reasons to review the animal cruelty statutes. Animals are a particularly vulnerable population, and animal abuse is often an early indicator of future abuse towards humans.<sup>1</sup> Research has shown that those who commit violent crimes are likely to have abused animals in the past.<sup>2</sup>

### **Objectives**

1. Review the language of Connecticut's animal cruelty statute (CGS Section 53-247) and other statutes that reference Section 53-247<sup>3</sup>. Examine ways to more clearly differentiate between intentional and negligent cruelty to animals.
2. Assess the feasibility of creating a mandatory animal cruelty reporting requirement for veterinarians and other animal care licensees.
3. Analyze the feasibility of requiring mental health evaluations for convicted animal abusers to prevent repeat offenses and treat underlying mental health conditions.
4. Analyze the mechanics and enforceability of a possession ban that would bar those convicted of animal abuse from obtaining another animal – at least for a specified period of time.
5. Revise Connecticut's bestiality statute (CGS Section 53a-73a(a)(3)) to expand the definition of "sexual contact" to include sexual contact between a human and an animal, in light of the Superior Court case of *State v. Hoetzi*, which found that sexual contact is limited to contact between human beings.
6. Explore the possibility of revising Desmond's Law (CGS Section 54-86n) to allow judicial discretion to appoint animal advocates in cases involving animals other than dogs or cats.

### **Animal cruelty statute language change**

Connecticut's Animal Cruelty Statute §53-247 does not clearly distinguish between intentional and negligent acts of animal cruelty and does not provide for exacerbating factors

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<sup>1</sup> Hodges, Cynthia, *The Link: Cruelty to Animals and Violence Towards People*, Animal Legal & Historical Center (2008).

<sup>2</sup> *Id.*

<sup>3</sup> As of September 1, 2022, a search of the Connecticut General Statutes found an additional thirteen statutes that reference Conn. Gen. Stat. § 53-247.

such as acts performed before minors or with weapons.<sup>4</sup> Subsection (a), which focuses on negligent treatment of animals, contains language such as "beats, maims, and mutilates," which is already listed in subsection (b). Additionally, removing the word "maliciously" from subsection (b) may lead to a more clear statute

Other states, such as Oregon, have animal abuse statutes that differentiate between intentional and neglectful instances of animal abuse.<sup>5</sup> Different subsections for negligent and intentional conduct can help create clarity in the statute and distinguish appropriate penalties for each offense.

### **Mandatory reporting of animal abuse**

Often veterinarians and professionals working in animal care are the only individuals to see an animal other than an owner, and their knowledge and training put them in a unique position to spot animal abuse.<sup>6</sup> Currently, 20 states mandate veterinarians to report suspected animal abuse. Additionally, most of these states provide civil immunity to veterinarians who report abuse, which can be an essential aspect of whether veterinarians and other animal care professionals feel empowered to report.<sup>7</sup>

Massachusetts is one such state which requires mandatory veterinarian reporting and provides civil immunity.<sup>8</sup> The Massachusetts statute clarifies the requirement by specifying when cruelty needs to be reported and who to report to.<sup>9</sup> Similarly, Maine requires mandatory veterinary reporting. However, Maine defines a "veterinarian" broadly to include anyone who meets the statutory definition and licensing requirement.<sup>10</sup> Connecticut may consider modeling a mandatory veterinarian reporting requirement after Maine's requirement to expand the reach of the statute to veterinary technicians and other licensed professionals in the animal care industry.

### **Mental health evaluations and treatment**

Mental health evaluations can be a powerful tool for preventing future instances of abuse and treating underlying issues in offenders.<sup>11</sup> Research shows that animal abuse is often

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<sup>4</sup> Conn. Gen. Stat. §53-247

<sup>5</sup> ORS § 167.315.

<sup>6</sup> *Laws in Favor of Veterinary Reporting of Animal Cruelty*, ANIMAL LEGAL DEFENSE FUND (2020), <https://aldf.org/project/veterinary-reporting/#:~:text=As%20of%202020%2C%2019%20states,to%20report%20suspected%20animal%20cruelty.>

<sup>7</sup> *Id.*

<sup>8</sup> M.G.L.A. 112 §§ 58B.

<sup>9</sup> *Id.*

<sup>10</sup> 7 M.R.S.A. § 4018.

<sup>11</sup> *Supra* note 1 at 156

tied to personality disorders and can indicate future violent crimes.<sup>12</sup> Instances of animal hoarding are also commonly linked to severe depression and compulsive disorders. Correctly diagnosing and treating these underlying issues can help end the cycle of abuse and point convicted abusers towards a path of recovery and play a vital role in sustaining public safety and welfare.

Currently, Connecticut has no assessment or treatment options for people accused of or convicted of animal cruelty. Other states, such as Illinois, have language in their statutes that allow judges the discretion to order mental health evaluations and mandate evaluations in convictions involving animal hoarding and juvenile offenders.<sup>13</sup> Statutes such as the one in Illinois may be a helpful guide for discretionary and mandatory mental health evaluations in Connecticut. Treatment and animal cruelty prevention and education programs are referenced in the Connecticut Accelerated Rehabilitation statute (CGS 54-56e(d))<sup>14</sup>, but no such animal cruelty prevention and education program currently exists.

### **Possession bans**

Currently, 39 states employ possession bans for a set period for those convicted of animal cruelty.<sup>15</sup> These bans are an important tool in keeping at-risk animals safe, and while they do not create a registry of convicted animal abusers, they can be utilized by law enforcement. These bans are particularly relevant in cases of animal hoarding, where immediately after conviction, an offender will often begin to collect animals again.<sup>16</sup>

The Massachusetts animal cruelty statute includes provisions regarding the possession ban, what authorities are to be put on notice, what happens in the case of a violation, and the procedures to petition for the ban to be shortened in certain situations.<sup>17</sup> The statute also creates limitations such as keeping the record of imposed possession bans private to avoid creating a registry.<sup>18</sup>

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<sup>12</sup> Defense Fund, Sentencing and Disposition Position Statement - Psychological evaluation and treatment, Animal Legal Defense Fund (January 2022).

<sup>13</sup> 510 ILCS 70/3 (d).

<sup>14</sup> Conn. Gen. Stat. §54-56e(d) provides in part "... If a defendant is charged with a violation of section 53-247, the court may order that as a condition of such probation the defendant undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the defendant."

<sup>15</sup> *Anti-cruelty laws that restrain future ownership of animals*, ANIMAL LEGAL & HISTORICAL CENTER, <https://www.animallaw.info/content/anti-cruelty-laws-restrain-future-ownership-animals>.

<sup>16</sup> Stephan K. Otto, State Animal Protection Laws - The Next Generation, 11 ANIMAL L. 131, 156 (2005).

<sup>17</sup> See Mass Bill H.1824 below;

<https://www.google.com/search?q=Massachusetts+Bill+H.1824+%E2%80%9CAn+Act+to+Protect+Animals+from+Convicted+Animal+Abusers%E2%80%9D&oq=Massachusetts+Bill+H.1824+%E2%80%9CAn+Act+to+Protect+Animals+from+Convicted+Animal+Abusers%E2%80%9D&aqs=chrome..69i57.107j0j4&sourceid=chrome&ie=UTF-8>.

<sup>18</sup> *Id.*

## Bestiality definition

Bestiality offenses in Connecticut have been the subject of scrutiny after a Superior Court case in 2020 found that the definitions of “sexual assault” and “sexual contact” were at odds, leading to the inability of the state to convict a defendant of bestiality.<sup>19</sup> In *State v. Hoetzi*, the court found that while the definition of sexual assault included “sexual contact with an animal,” the definition of sexual contact only defined contact between humans.<sup>20</sup> Under this interpretation, the Connecticut statutes charged in the case do not address bestiality.

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<sup>19</sup> Conn. Gen. Stat. §53a-73a(a)(3), *see also* Conn. Gen. Stat §53a-65(3)

<sup>20</sup> *Id.* *State v. Hoetzi*, No. LLICR190180569T, 2020 WL 1745805, at \*1 (Conn. Super. Ct. Mar. 2, 2020).