

June 7, 2017

Dear Senate Judiciary Committee Members:

RE: 17-S 390, RELATING TO HOARDING OF ANIMALS

While our organizations all recognize the well-intentioned goals of S-390, we are writing to express our deep concerns about it, and to urge that it be rejected.

The legislation proposes two remedies for the problem of “animal hoarding,” both of which we find problematic. First, it seeks to amend the animal cruelty law to add “hoarding” to the list of actions subject to that law’s criminal penalties. Those penalties include a prison sentence of up to eleven months in some cases, but up to *five years in prison* should the hoarding result in the death of an animal. Second, the bill would require persons found guilty or pleading nolo to such a charge to undergo a mental evaluation to determine if counseling or treatment should be part of the sentence.

If enacted, we believe this bill will mark a giant step backward in the way individuals with mental illness are regarded. Hoarding of animals is a psychiatric disorder, and recognized as such in the DSM-5, and needs to be approached as a community health issue rather than a criminal one. By amending this criminal statute to include hoarding and create severe criminal penalties for this behavior, the legislature would be moving away from its long-standing public policy to decriminalize mental illness.

Indeed, the bill appears entirely unnecessary since any severe hoarding would already fit into the statute’s definition of animal cruelty. If the bill’s goal is to use the criminal law to promote mental health treatment, we believe that is a misuse of the criminal laws. Rhode Island already provides a statutory process for individuals to be evaluated for involuntary treatment, and one that balances the rights of the individual with the safety of the person and the community. Requiring a “mental evaluation” to determine if counseling or treatment should be part of a criminal sentence for hoarding undermines the procedural safeguards in the mental health law.

In sum, hoarding is a psychiatric disorder, and it should be recognized as such, and not as a crime. Mental health treatment is most desirable when the patient cooperates voluntarily; in cases where it is necessary and the individual will not comply, the mental health commitment law remains available. Current law allows officials to intervene to protect both pets that are the victims of inappropriate hoarding and the owners who may be in need of mental health treatment.

This bill, however, creates the worst of both worlds by both criminalizing the behavior and establishing a shortcut that avoids the protections contained in the state’s existing mental health law. For these reasons, we respectfully, but strongly, oppose this legislation.

**PLEASE SEE BACK OF SHEET FOR SIGNATORIES**

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