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FISCAL IMPACT REPORT

ORIGINAL DATE 1/26-09
 SPONSOR Park LAST UPDATED 2/11/09 HB 159/HJCS
 SHORT TITLE Expand Cruelty to Animals SB _____
 ANALYST Ortiz

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Non-Rec | Fund Affected |
|---------------|------|-------------------------|------------------|
| FY09 | FY10 | | |
| NFI | NFI | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB82

SOURCES OF INFORMATION

LFC Files

Responses Received From

- Public Defender Department (PDD)
- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Attorney General's Office (AGO)
- Corrections Department (NMCD)
- Department of Game and Fish (DGF)

SUMMARY

Synopsis of HJC Bill substituted

The House Judiciary Committee substitute to House Bill 159 amends the current animal cruelty statute expanding the definition of animal to include captive reptiles and includes and defines criminal negligence as meaning that anyone who knows or should have known of the dangers involved in certain acts and continued to act with reckless disregard, endangering an animal's health and/or safety and increase the penalty to a fourth degree felony upon a fourth or subsequent conviction or when convicted of aggravated cruelty. The bill also would prohibit leaving an animal unattended in a vehicle if the possibility of injury or death may occur. It exempts commonly accepted veterinary practices from the provision of Section 30-18-1.

SIGNIFICANT ISSUES

According to the district attorneys, the Animal Cruelty Act is not a frequently used provision of the criminal statutes so the impact of this will be minimal. By adding additional definitions and penalties it may make prosecution of this act more difficult. This is at least partly offset by the changes that clarify the existing law, especially the language relating to leaving an animal in a vehicle. The increased penalties are likely to reduce the number of pleas, and convictions for this offense. Furthermore, what is considered cruelty varies widely throughout the state, especially between urban and rural settings. If passed, enforcement will vary widely.

ADMINISTRATIVE IMPLICATIONS

There may be an administrative impact on the courts as the result of an increase in caseload and/or in the amount of time necessary to dispose of cases.

RELATIONSHIP

Relates to HB82, which simply adds “malicious or intentional” “starvation or dehydration” to the current definitions of conduct that constitute criminal extreme cruelty to animals.

EO/mt