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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/06/09  
 LAST UPDATED 02/209/09    **HB** \_\_\_\_\_

SPONSOR Eichenberg

SHORT TITLE Cruelty To Animals Includes Abandonment    **SB** 313/aSCONC

ANALYST Wilson

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	Indeterminate See Below	Indeterminate See Below	Indeterminate See Below	Indeterminate See Below	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

- Administrative Office of the Courts (AOC)
- Attorney General's Office (AGO)
- Corrections Department (CD)
- Department of Public Safety (DPS)
- Livestock Board (LB)
- Public Defender Department (DPS)
- Regulation and Licensing (RLD)

### SUMMARY

#### Synopsis of SCONC Amendment

The Senate Conservation Committee amendment to SB 313 removes language stating that cruelty to animals consists of a person knowingly abandoning or failing to provide necessary sustenance to an animal in a way that is not life-threatening to the animal.

#### Synopsis of Original Bill

Senate Bill 313 amends Section 30-18-1 NMSA 1978 to include as part of cruelty to animals abandonment or failure to provide sustenance.

This bill is changed so that a person who knowingly abandons or fails to provide necessary sustenance to an animal that is under the person's custody or control in a way that is not life-threatening to the animal can be charged with cruelty to animals.

A person who starves or dehydrates an animal to a point that imperils the animal's life can be charged with extreme cruelty to animals.

## **FISCAL IMPLICATIONS**

Any fiscal impact on the judiciary will be proportional to the enforcement of this law and commenced prosecutions. There may be an increase in the amount of work that needs to be done by the courts, thus requiring additional resources to handle increase.

## **SIGNIFICANT ISSUES**

Animal Rights advocates believe that:

- Animals have the right to be free from abuse by humans;
- Abuse and neglect are not only crimes, they're red flags—animal abusers are statistically more likely to harm people, too

## **ADMINISTRATIVE IMPLICATIONS**

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

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB 313 is very similar to HB 82, Intentionally Starving Animals to Death. The differences are in degree of culpability.

- HB 82 does not add ‘knowingly’ as does SB 313
- HB 82 adds “intentionally or maliciously” which SB 313 does not.
- HB 82 uses the standard “to death” whereas SB 313 uses “to a point that imperils the animal’s life”.

This bill relates to SB 127, Custody & Care of Mistreated Animals and HB 159, Expand Cruelty to Animals which also deal with cruelty to animals.

## **TECHNICAL ISSUES**

The AGO notes that in contrast to HB 159, this bill does not include “adequate shelter” or the equivalent in the definition of sustenance which is commonly found in similar statutes in other states.

DW/svb:mc