

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/13

SPONSOR Candelaria LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Expand Animal Cruelty Definitions SB 155

ANALYST Boerner

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

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>			Minimal	Minimal	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with SB83 which also amends animal cruelty definitions and penalties.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Defender Department (PDD)

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

This bill amends Section 30-18-1 NMSA 1978 to state that *knowingly* abandoning or failing to provide necessary sustenance to an animal that is under that person's control meets the definition of cruelty to animals as defined by the law.

The bill also adds "intentionally starving or dehydrating an animal to a point that imperils the animal's life" as action that constitutes extreme cruelty to animals.

### FISCAL IMPLICATIONS

The AOC notes that there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary will be proportional to the enforcement of this law and commenced prosecutions.

The AOC states also that with the additional requirement that a person *knowingly* abandon or fail to provide necessary sustenance to an animal for there to be cruelty to an animal, however, there could be a potential decrease in the number of animal cruelty cases in the courts.

However, the PDD argued that there could be an increase in litigation because of the increase in penalty for purposely starving or dehydrating an animal to the point that imperils the animal's life (see significant issues below).

### **SIGNIFICANT ISSUES**

This bill makes purposely starving or dehydrating an animal to the point of death (or near death) a felony. Under the current bill, such behavior would probably have fallen under Subsection B(2), which prohibits failure to provide necessary sustenance and is a misdemeanor. The additional language would increase the penalty for behavior that is already punishable as a misdemeanor. Additional litigation is a possibility because of the increase in penalty since defendants might be more likely to proceed to trial when faced with a felony than with a misdemeanor.

### **PERFORMANCE IMPLICATIONS**

Public Defender workloads could be impacted if the number of defendants choosing to go to trial for animal cruelty increases.

CEB/bm