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FISCAL IMPACT REPORT

ORIGINAL DATE 02/06/13

SPONSOR McMillan LAST UPDATED _____ HB 258

SHORT TITLE Liability for Dog Bites and Charges for Owners SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$31.7 - \$317.0	\$31.7 - \$317.0	\$62.4 – \$624.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 New Mexico Corrections Department (NMCD)
 New Mexico Sentencing Commission (NMSC)
 Public Defender Department (PDD)
 New Mexico Municipal League (NMML)

SUMMARY

Synopsis of Bill

House Bill 258 (HB 258) adds a new section of the Dangerous Dog Act whereby the owner of a dog that bites a person when the person is in or on a public place or lawfully in or on a private place, including the property of the owner of the dog, is liable for damages suffered but the person bitten, regardless of the former viciousness of the dog or the owners knowledge of its viciousness.

A minor injury means a physical injury that results in outpatient medical treatment but does not rise to the level of serious injury. An owner of a dog that causes a minor injury to a human being, without provocation, is guilty of a misdemeanor.

A severe injury means a physical injury that results in prolonged or multiple hospitalizations or multiple reconstructive surgical procedures or both. An owner of a dog that causes severe injury to a human being, without provocation, is guilty of a 3rd degree felony.

The current penalty imposed on the owner of a dog that causes serious injury is a third degree felony. HB 258 proposes to reduce that penalty to a fourth degree felony.

FISCAL IMPLICATIONS

The fiscal impact reflected in the table above is a range based on the costs to incarcerate between one and 10 individuals in a private prison for one year.

SIGNIFICANT ISSUES

HB 258 creates a hierarchy of injury types and penalties for cases that involve injuries to people caused by a dog:

Minor injury: misdemeanor (definite term less than one year)

Serious injury: 4th degree felony (18 months)

Severe injury: 3rd degree felony (3 years)

Death: 3rd degree felony resulting in the death of a human being (6 years)

HB 258 removes the elements of “dangerous or potentially dangerous” dog from the Dangerous Dog Act, essentially making the offenses strict liability crimes. In other words, a dog owner’s knowledge of a dog’s dangerousness or potential dangerousness would not have to be proven.

According to the American Veterinary Medical Association’s (AVMA) 2011 U.S. Pet Ownership & Demographics Sourcebook, more than 72 million dogs are household pets in the United States. The U.S. Centers for Disease Control and Prevention report that approximately 4.5 million people are bitten by dogs each year, and 20 percent of dog-bite victims require medical attention for related injuries. In 2008, more than 31,000 people underwent reconstructive surgery as a result of a dog bite. Children are more likely to receive medical attention for dog bite injuries, and children age five to nine have the highest rate of dog bite-related injuries.

NCJ/bm