

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Section 1 amends Section 30-18-13 entitled "Injury to a Police Dog, Police Horse or Fire Dog – Harassment of a Police Dog, Police Horse or Fire Dog" to add "Search-and-Rescue-Dog" to the title

Subsection (A)(4) is new material defining a search-and-rescue-dog as a "dog that is owned, or the service of which is employed, by a fire department, a law enforcement agency, a corrections agency, a special fire district or the state fire marshal for the purpose of aiding in detection or location of a person."

Subsections B-I are amended to include "search-and-rescue dog" in the provisions of those sections to criminalize injuring or harassing such an animal.

Subsection C, which criminalizes injury to the animal that causes minor physical pain or injury, is amended to increase the penalty from a petty misdemeanor to a third degree felony pursuant to the provisions of Section 31-18-15.

Subsection D, which criminalizes injury to the animal that causes serious physical injury or death or directly causes the destruction of the animal, is amended to increase the penalty from a fourth to a second degree felony pursuant to the provisions of Section 31-18-15.

Section 2 amends Section 30-18-15(A) entitled "Sentencing Authority – Noncapital Felonies – Basic Sentences and Fines – Parole Authority – Meritorious Deductions" to include two new categories of sentences to cover the crimes described in Subsections C and D of Section 30-18-13 and increase those sentences to five years and fifteen years, respectively.

Subsection E(8) is amended to include possible imposition of a fine for the crimes described in Subsections C and D of Section 30-18-13 of \$5,000 and \$10,000 respectively.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None for this agency.

SIGNIFICANT ISSUES

Special sentences, such as those included in Section 2, which are a deviation from the basic sentences contained in Section 31-18-15 can cause some confusion in trial and appellate courts, as well as for probation and parole considerations.

In addition, the language in Subsections C and D both just refer to the felony level (third and second) and then refer to Section 31-18-15. This could cause confusion because the basic sentence for a third degree felony is three years and the basic sentence for a second degree felony is nine years in Section 31-18-15. To avoid this confusion, the language in Subsections C and D of Section 30-18-13 should be amended to include the specific language added to Subsection 31-18-15; e.g. "third degree felony when the injury causes a police dog, police horse, fire dog or

search-and-rescue dog minor physical injury or pain.”

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

n/a

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

n/a