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FISCAL IMPACT REPORT

ORIGINAL DATE 02/06/11

SPONSOR Park LAST UPDATED 02/25/11 HB 126/aHCPAC/aHJC

SHORT TITLE Prohibit Interference with Zoo Animals SB _____

ANALYST Hanika-Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(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)
 Public Defender Department (PDD)
 NM Municipal League

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee Amendment clarifies that interference with a zoo animal consists of unauthorized entry *without justification* into an animal enclosure or habitat at a zoo while an animal is present.

Synopsis of HCPAC Amendment

The House Consumer Public Affairs Committee Amendment includes *unauthorized physical contact with an animal* in its listing of prohibited behaviors.

Synopsis of Original Bill

This bill enacts a new portion of the Criminal Code making it a petty misdemeanor to interfere with zoo animals.

FISCAL IMPLICATIONS

The judiciary reported that the fiscal impact is probably insignificant.

SIGNIFICANT ISSUES

The bill will make it a petty misdemeanor to interfere with zoo animals. Interference with a zoo animal is defined as the intentional, unauthorized entry into an animal enclosure or habitat at a zoo while an animal is present.

An "animal enclosure or habitat" means any cage, structure, building, fenced area or other premises where an animal is kept, handled, housed, exhibited or bred; and "zoo" means a zoological park that is open to the public for viewing of animals and that is inspected by the United States Department of Agriculture.

PERFORMANCE IMPLICATIONS

A person committing this new crime would be guilty of a petty misdemeanor, punishable by a jail term of six months or less.

ADMINISTRATIVE IMPLICATIONS

Petty misdemeanors are handled by the Magistrate Courts and the Bernalillo County Metropolitan Court.

TECHNICAL ISSUES

There may be confusion if an animal is considered to be “present” even if hidden from view in an enclosure.

OTHER SUBSTANTIVE ISSUES

AODA suggests that the bill is in response to a recent incident where several college students broke into the cages of animals at the Albuquerque Zoo after the zoo was closed and took pictures of themselves with the various animals that they then posted on one of the social network websites.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Law enforcement will have to rely on criminal trespass to prosecute for entry into zoo enclosures without permission.

AHO/bym