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## FISCAL IMPACT REPORT

**ORIGINAL DATE**  
**LAST UPDATED** 02/07/15    **HB** \_\_\_\_\_

**SPONSOR**    Pirtle

**SHORT TITLE**    Report Livestock Injuries to Law Enforcement    **SB** 221

**ANALYST**    Sanogo

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

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

#### SOURCES OF INFORMATION

LFC Files  
 Department of Public Safety (DPS)  
 Attorney General’s Office (AGO)

#### SUMMARY

SB 221 would require a person who has made a video or digital recording depicting an injury to livestock to submit the recording to law enforcement within twenty-four hours. The proposed legislation would also make it a misdemeanor offense to violate the reporting requirements outlined in subsection D of the bill.

#### FISCAL IMPLICATIONS

No fiscal impacts.

#### SIGNIFICANT ISSUES

The Attorney General’s Office (AGO) has indicated that SB 221 could create constitutional concerns, particularly regarding the First Amendment. The agency states that the requirement to provide any pertinent recording to law enforcement “could be construed by the courts as an unconstitutional prior restraint,” which refers to a limitation on free expression before such expression actually takes place. Furthermore, AGO notes that SB 221 does not require all persons with knowledge of livestock cruelty to immediately report the incident; only a person who has made a digital recording is burdened with the requirements outlined in SB 221.

Lastly, the bill would provide neither immunity nor confidentiality to a person reporting livestock cruelty, which “could deter reporting and compromise the ability of law enforcement to investigate....”