

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 and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 1/21/19
LAST UPDATED 1/29/19 **HB** 52/aHJC

SPONSOR Ferrary

SHORT TITLE Harm to Companion Animals as Domestic Abuse **SB** _____

ANALYST Glenn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			See Fiscal Implications

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 87

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)
 Board of Veterinary Medicine (BVM)

Responses Not Received From

Administrative Office of the District Attorneys (AODA)
 Department of Public Safety (DPS)
 Children, Youth & Families Department (CYFD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment adds a provision defining “companion animal” as “a vertebrate commonly kept as a domestic pet,” and clarifies that domestic abuse involving a companion animal under the Family Violence Protection Act is limited to a household member’s companion animal.

Synopsis of Original Bill

House Bill 52 expands the definition of domestic abuse in the Family Violence Protection Act (“FVPA”) to include the act or threat by a household member of intentionally or maliciously injuring or maliciously killing a companion animal.

FISCAL IMPLICATIONS

HB 52 may possibly increase costs slightly to law enforcement agencies, courts, and special commissioners who may issue or enforce protective orders under the FVPA by providing an additional grounds for such an order.

SIGNIFICANT ISSUES

NMAG notes that FVPA allows for victims of domestic abuse to seek and maintain orders of protection and sets out the procedures for victims to access the courts to do so. As a result of the amendment made by HB 52, victims would be allowed to seek orders of protection when a household member hurts or kills a companion animal.

RELATIONSHIP

HB 52 is related to HB 87, which prohibits a person subject to certain orders of protection from possessing or purchasing firearms. Both HB 52 and HB 87 amend Section 40-13-2 of the FVPA to add definitions of terms used in the FVPA, but the definitions added by the bills do not conflict.

TECHNICAL ISSUES

NMAG observes that the term “companion animal” is not defined in the bill. NMAG points to the regulations of BVM, which broadly define “companion animal” to include “any vertebrates commonly kept as domestic pets....” This suggests that if HB 52’s use of the term “companion animal” is intended to refer to a category of animals other than pets, as that term is generally understood, it might be advisable to include a definition of “companion animal” in the bill to avoid any issues in interpreting its coverage.