

HB 1433-FN - AS INTRODUCED

2022 SESSION

22-2301

08/04

HOUSE BILL ***1433-FN***

AN ACT relative to penalties for poisoning dogs.

SPONSORS: Rep. Sullivan, Sull. 1

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill includes poisoning as a type of cruelty to animals and makes it a felony to purposely poison an animal.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~in brackets and struckthrough.~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to penalties for poisoning dogs.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Cruelty to Animals; Negligence; Poison. Amend RSA 644:8, III to read as follows:

2 III. A person is guilty of a misdemeanor for a first offense, and of a class B felony for a
3 second or subsequent offense, who:

4 (a) Without lawful authority negligently deprives or causes to be deprived any animal in
5 his possession or custody necessary care, sustenance or shelter;

6 (b) Negligently beats, cruelly whips, tortures, mutilates or in any other manner
7 mistreats or causes to be mistreated any animal;

8 (c) Negligently overdrives, overworks, drives when overloaded, or otherwise abuses or
9 misuses any animal intended for or used for labor;

10 (d) Negligently transports any animal in his possession or custody in a manner injurious
11 to the health, safety or physical well-being of such animal;

12 (e) Negligently abandons any animal previously in his or her possession or custody by
13 causing such animal to be left without supervision or adequate provision for its care, sustenance, or
14 shelter;

15 (f) ***Negligently poisons an animal by exposing, distributing, or administering an***
16 ***active poison or toxic substance causing harm or death to an animal. Substances***
17 ***administered in accordance with RSA 332-B and persons using poison to control rats and***
18 ***other vermin in either their building or to protect their crops shall be exempt from this***
19 ***subparagraph***

20 (g) Has in his or her possession an equine colt that is less than 90 days old that is not
21 being nursed by its dam, unless the colt was born in this state, and its dam has died within this
22 state before the colt became 90 days old;

23 [~~(g)~~] (h) Sells an equine colt that is less than 90 days old that is not being nursed by its
24 dam; or

25 [~~(h)~~] (i) Otherwise negligently permits or causes any animal in his or her possession or
26 custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any kind.

27 2 Cruelty to Animals; Poisoning Animals; Felony. Amend RSA 644:8, III-a to read as follows:

28 III-a. A person is guilty of a class B felony who purposely beats, cruelly whips, tortures,
29 ***poisons***, or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured,
30 ***poisoned***, or mutilated. ***Substances administered in accordance with RSA 332-B, and***

1 *persons using poison to control rats and other vermin in a dwelling place or to protect*
2 *crops, shall be exempt from this paragraph.*

3 3 Repeal. The following are repealed:

4 I. RSA 644:16, relative to exposing poisons to animals.

5 II. RSA 466:42-a, II, relative to poisoning dogs.

6 4 Effective Date. This act shall take effect January 1, 2023.

**HB 1433-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to penalties for poisoning dogs.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Council	FY 2022	FY 2023
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
<p>It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.</p>		

Department of Corrections	FY 2022	FY 2023
FY 2021 Average Cost of Incarcerating an Individual	\$54,386	\$54,386
FY 2021 Annual Marginal Cost of a General Population Inmate	\$5,715	\$5,715
FY 2021 Average Cost of Supervising an Individual on Parole/Probation	\$603	\$603
NH Association of Counties	FY 2022	FY 2023
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties