

HB 1560-FN - AS INTRODUCED

2020 SESSION

20-2086
08/04

HOUSE BILL ***1560-FN***

AN ACT relative to the criminal penalties for certain negligent actions which cause the death of an animal.

SPONSORS: Rep. Rogers, Merr. 28

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill makes it a felony if an animal that is a victim of animal cruelty dies as a result of that cruelty.

This bill also exempts certain husbandry, slaughter, and euthanasia practices from the laws regarding animal cruelty.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the criminal penalties for certain negligent actions which cause the death of an animal.

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

1 1 New Paragraphs; Death of Animal as a Result of Animal Cruelty; Penalties. Amend RSA
2 644:8 by inserting after paragraph III-a the following new paragraphs:

3 III-b. A person is guilty of a class B felony if such person purposely, knowingly, or recklessly
4 commits an act listed under paragraph III and such conduct causes the death of the animal or causes
5 the animal serious bodily injury as defined under RSA 625:11.

6 III-c. This section shall not apply to customarily accepted animal husbandry practices and to
7 humane slaughter under RSA 427 or accepted methods of euthanasia as determined by the
8 American Veterinary Medical Association to alleviate the suffering of an injured or ill animal.

9 2 Effective Date. This act shall take effect January 1, 2021.

HB 1560-FN- FISCAL NOTE
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AN ACT relative to the criminal penalties for certain negligent actions which cause the death of an animal.

FISCAL IMPACT: ☒ State ☒ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
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 a penalty 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 Branch	FY 2021	FY 2022
Simple Criminal Case	\$300	\$314
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100

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. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2019 Average Cost of Incarcerating an Individual	\$44,400	\$44,400
FY 2019 Annual Marginal Cost of a General Population Inmate	\$5,071	\$5,071
FY 2019 Average Cost of Supervising an Individual on Parole/Probation	\$576	\$576
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

AGENCIES CONTACTED:

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