

HB 1602-FN-LOCAL - AS INTRODUCED

2020 SESSION

20-2178
08/04

HOUSE BILL ***1602-FN-LOCAL***

AN ACT establishing a registry for persons convicted of animal cruelty.

SPONSORS: Rep. St. Clair, Belk. 9

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes a registry for persons convicted of 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a registry for persons convicted of animal cruelty.

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

1 1 New Chapter; Animal Cruelty Registry. Amend RSA by inserting after chapter 651-F the
2 following new chapter:

3 CHAPTER 651-G

4 ANIMAL CRUELTY REGISTRY

5 651-G:1 Definitions. In this chapter:

6 I. "Department" means the department of safety.

7 II. "Division" means the division of state police, department of safety.

8 III. "Local law enforcement agency" means the chief of police in the city or town where the
9 person resides or is temporarily domiciled, or, if the municipality has no police chief or if the person
10 resides in an unincorporated place, the division.

11 IV. "Animal abuser" means a person who is over 18 years of age who has been convicted of
12 cruelty to animals under RSA 644:8 or convicted of a comparable offense in another state.

13 V. "Conviction" means a finding by a court that an individual is guilty of a criminal offense
14 through adjudication or entry of a plea of guilt or no contest to the charge by the offender.

15 651-G:2 Registration.

16 I. Every animal abuser who is within this state for more than 10 consecutive days shall
17 report as required in RSA 651-G:3 with the county sheriff for the county in which the abuser is
18 located.

19 II. The sheriff of each county shall forward all registration information obtained under
20 paragraph I to the division.

21 III. Upon receipt of information pursuant to paragraph II concerning the presence of any
22 animal abuser in the state, the division shall register such person and shall include the relevant
23 information in the animal cruelty registry system.

24 IV. Upon receipt from any out-of-state law enforcement agency of information that an
25 animal abuser has moved to New Hampshire, the division shall register such person and shall
26 include the relevant information in the animal cruelty registry system.

27 V. The information that a person is required to register on the public list as an animal
28 abuser, including his or her qualifying offense or offenses, shall be available to law enforcement
29 through the offender's criminal record and motor vehicle record. If an animal abuser's obligation to
30 register terminates for any reason, the department shall notify the division of motor vehicles of the

1 change and the offender's motor vehicle record shall no longer reflect that the person is required to
2 register as an animal abuser.

3 651-G:3 Reporting.

4 I. Any animal abuser in this state for more than 10 consecutive days shall report in person
5 to the sheriff of the county in which he or she is located. The animal abuser shall report in person as
6 set forth in this section by the end of his or her 11th day in New Hampshire. The division shall
7 notify the local law enforcement agencies having jurisdiction over the animal abuser's other
8 residences of the animal abuser's address in their jurisdiction. Thereafter, the animal abuser shall
9 report annually prior to December 31 of each subsequent calendar year for a period of 15 years.

10 II. Each time an animal abuser is required to report, the animal abuser shall provide the
11 following information:

12 (a) Name and any aliases.

13 (b) Address of any permanent residence and address of any current temporary residence,
14 within the state or out-of-state, and mailing address. A post office box shall not be provided in lieu
15 of a physical residential address. If the animal abuser cannot provide a definite address, he or she
16 shall provide information about all places where he or she habitually lives.

17 (c) Name, address, and date of any employment or schooling. For purposes of this
18 section, the term "employment" includes volunteer work or work without remuneration. If the
19 animal abuser does not have a fixed place of work, he or she shall provide information about all
20 places he or she generally works, and any regular routes of travel.

21 (d) Date of birth, including any alias date of birth used by the animal abuser.

22 (e) Social security number.

23 (f) Physical description to include identifying marks such as scars and tattoos.

24 (g) Telephone numbers for both fixed location and cell phones.

25 (h) Passport, travel, and immigration documents.

26 (i) A photograph taken by the law enforcement agency each time the person is required
27 to report to the law enforcement agency under this section.

28 (j) A set of major case prints, including fingerprints and palm prints of the offender.

29 (k) The offense for which the animal abuser was convicted and the date and place of the
30 conviction.

31 651-G:4 Change of Registration Information; Duty to Inform.

32 I. When there is a change to any of the information that an animal abuser is required to
33 report pursuant to this chapter, the animal abuser shall give written notification of the new
34 information to the county sheriff to which he or she last reported under RSA 651-G:3 within 5
35 business days of such change of information. In addition, any time an animal abuser changes
36 residence, employment, or schooling, the animal abuser shall report in person to the county sheriff
37 having jurisdiction over the animal abuser's previous place of residence, place of employment, or

1 school within 5 business days. The county sheriff receiving notice of the change of registration
2 information shall forward a copy to the division within 5 days after receipt. The division shall notify
3 the local law enforcement agency at the new place of residence, place of employment, or school, or
4 the appropriate out-of-state law enforcement agency if the new place of residence, place of
5 employment, or school is outside New Hampshire. The division shall include any new information in
6 the animal abuse registry system.

7 II. Upon receipt of notice that an animal abuser has changed residence, employment, or
8 schooling to a place outside New Hampshire, the division shall notify the appropriate out-of-state
9 law enforcement agency of that information. Within 10 business days after reporting the change of
10 residence, employment, or schooling to the New Hampshire law enforcement agency, the animal
11 abuser shall report to the appropriate out-of-state law enforcement agency having jurisdiction over
12 the new place of residence, place of employment, or school. If the animal abuser fails to report to the
13 appropriate out-of-state law enforcement agency the division shall maintain the offender's
14 information in the animal abuse registry system.

15 651-G:5 Availability of Information to the Public and Law Enforcement.

16 I. Except as provided in this section, the records established and information collected
17 pursuant to the provisions of this chapter shall not be considered "public records" subject to
18 inspection under RSA 91-A:4. However, nothing in this chapter shall be construed to limit any law
19 enforcement agency from making any use or disclosure of any such information as may be necessary
20 for the performance of a valid law enforcement function. Nothing in this chapter shall be construed
21 to limit an individual's ability to obtain access to the individual's own records, or to limit access to a
22 person's criminal record under the provisions of RSA 106-B:14, including address information
23 obtained under the provisions of this chapter.

24 II. The division shall maintain a list of all animal abusers required to register pursuant to
25 this chapter. The list shall also include all animal abusers about whom the division receives notice
26 pursuant to RSA 651-G:2. In addition to the information contained on the public list pursuant to
27 paragraph III, the law enforcement list shall include all information reported to the local law
28 enforcement agency or the department pursuant to RSA 651-G:3. In addition, the information shall
29 include the text of the statute under which the offender was convicted and the criminal history of the
30 offender. The list maintained pursuant to this paragraph shall not be available to the public but
31 shall be available to law enforcement officials for valid law enforcement purposes.

32 III. The division shall maintain a separate public list of all animal abusers required to
33 register under RSA 651-G:3 and any animal abusers about whom the division receives notice
34 pursuant to RSA 651-G:2. The public list shall include all of the following information:

35 (a) The animal abuser's name, aliases, age, race, sex, date of birth, height, weight, hair
36 and eye color, and any other relevant physical description.

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1 (b) Address of any permanent residence and address of any temporary residence, within
2 the state or out of state.

3 (c) The offense for which the animal abuser is required to register and the text of the
4 statute defining the offense.

5 (d) The date and court of the adjudication of the offense for which the animal abuser is
6 registered.

7 (e) A photograph of the individual.

8 (f) The address of any place where the individual is or will be a student.

9 651-G:6 Rules. The department shall adopt rules, pursuant to RSA 541-A, relative to forms and
10 procedures for the administration of this chapter.

11 651-G:7 Penalties.

12 I. An animal abuser who is required to register under this chapter and who negligently fails
13 to comply with the requirements of this chapter shall be guilty of a misdemeanor.

14 II. An animal abuser who is required to register under this chapter and who knowingly fails
15 to comply with the requirements of this chapter shall be guilty of a class B felony.

16 2 Effective Date. This act shall take effect January 1, 2021.

**HB 1602-FN-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing a registry for persons convicted of animal cruelty.

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 checked="" type="checkbox"/> Other - Cost of Collections*/Criminal Records Fund			

*Pursuant to Part II, article 6-a of the New Hampshire constitution, any costs associated with the collection and administration of Highway Funds by the Department of Safety shall be deducted by the Department before such funds are credited to the Highway Fund as unrestricted revenue.

COUNTY:

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

LOCAL:

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

METHODOLOGY:

This bill establishes a registry for persons convicted of animal cruelty. The Department of Safety indicates the cost of a new animal cruelty database or upgrades to the current criminal history record database (CHRD) is unknown. The Department estimates the cost to update the VISION system would be a minimum of \$50,000 due to the effort required to coordinate the transfer of information from state police. Information received from state police may be manually entered or via an interface depending on the volume. The cost of an interface between the state police registry and the VISION system, is unknown at this time. The Criminal Justice Information System (CJIS) security and compliance measures will need to be evaluated and updated because the division would now receive information from sources outside of the NH Criminal Justice System. This cost is not known as the scope of the changes needed are unknown and could be extensive. Additional staff will be needed to maintain the registry,

process all registration forms and act as the liaison to county and local law enforcement agencies. At a minimum, a Program Assistant I (LG 12) will be required. The cost of salary and benefits for this position is \$38,000 in FY 2021, \$58,000 in FY 2022, and \$60,000 in FY 2023. There will be no impact on state, county or local revenues. The Department expects there will be an indeterminable impact to county government expenditures due to the requirement that offenders report and register at the county sheriff. The sheriffs would be responsible for forwarding registrations to the state police and providing photographs of the offenders. There could be an increase in local expenditures as the bill requires local law enforcement to be notified of offenders in their jurisdiction.

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 Branch	FY 2021	FY 2022
Class B Misdemeanor	\$54	\$56
Class A Misdemeanor	\$77	\$79
Simple Criminal Case	\$300	\$314
Routine Criminal Felony Case	\$484	\$498
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. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
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
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
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	\$5,071	\$5,071

Cost of a General Population Inmate		
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

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 would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

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