HB 1412-FN - AS INTRODUCED

2018 SESSION

18-2075
04/08

HOUSE BILL ***1412-FN***

AN ACT relative to cruelty to non-captive wildlife.

SPONSORS: Rep. Horrigan, Straf. 6

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill applies certain provisions of the crime of animal cruelty to wild animals not in captivity.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-2075
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to cruelty to non-captive wildlife.

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

1 Cruelty to Animals. Amend RSA 644:8, I to read as follows:

I. In this section, "cruelty" shall include, but not be limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal, including the abandoning of any ***domesticated*** animal***, household pet, or wild animal in captivity*** without proper provision for its care, sustenance, protection or shelter.

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

III-a.***(a)*** A person is guilty of a class B felony who purposely beats, cruelly whips, tortures, or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured, or mutilated.

(b) A person is guilty of a class A misdemeanor who purposely beats, cruelly whips, tortures, or mutilates any wild animal not in captivity or causes any wild animal not in captivity to be beaten, cruelly whipped, tortured, or mutilated.

3 New Paragraph; Cruelty to Animals. Amend RSA 644:8 by inserting after paragraph III-a the following new paragraph:

III-b.(a) The provisions of paragraph III shall not apply to wild animals not in captivity.

(b) This section shall not apply to wild animals not in captivity for any activity expressly authorized or permitted under Title XVIII.

4 Effective Date. This act shall take effect 60 days after its passage.

LBAO
18-2075
10/25/17

HB 1412-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to cruelty to non-captive wildlife.

FISCAL IMPACT: [X] State [X] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill contains a penalty of a class A misdemeanor 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 this penalty below.

Judicial Branch	FY 2019	FY 2020
Class A Misdemeanor	$72	$73
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2019 and FY 2020 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 – Misdemeanor	$300/Case	$300/Case
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%).		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$85 to $110	$85 to $110

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:

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