

Joint Committee on Ways and Means

Carrier – House: Rep. Williamson
Carrier – Senate: President Courtney

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure as Amended and be Printed B-Engrossed

Vote: 14 – 12 – 1

House

Yeas: Buckley, Frederick, Freeman, Komp, Nathanson, Read, Tomei, Williamson

Nays: Barker, Hanna, Huffman, Jenson, McLane, Richardson, Smith

Exc:

Senate

Yeas: Bates, Devlin, Edwards, Monroe, Steiner Hayward, President Courtney

Nays: Girod, Hansell, Thomsen, Whitsett, Winters

Exc: Johnson

Prepared By: John Terpening, Legislative Fiscal Office

Meeting Date: June 12, 2013

WHAT THE MEASURE DOES: Increases penalty for animal abuse in the first degree upon a previous conviction of domestic violence, child abuse or if abuse committed in presence of minor to class C felony and categorizes offense as category 6 on the sentencing guidelines grid. Elevates aggravated animal abuse in the first degree to a category 7 on the sentencing guidelines grid. Increases penalty for animal neglect in the second degree to a class A misdemeanor and increases to a class C felony if prior conviction of animal neglect or episode of 10 or more animals or committed in presence of a minor child. Increases severity of sentencing based on number of animals neglected. Increases penalty for animal neglect in the first degree to a class C felony and increases to a class B felony if prior conviction of animal neglect or episode of 10 or more animals or committed in presence of a minor child. Increases severity of sentencing based on number of animals neglected. Adds equines and other animals of same genus against which crime was committed to prohibition on possessing a domestic animal after conviction. Provides alternative service for notice of forfeiture. Provides defendant opportunity for hearing on forfeiture. Establishes process for hearing on impoundment and lien. Provides definitions. Establishes standards and license program for animal rescue entities. Authorizes inspections upon complaint and seizure upon evidence of cruelty.

ISSUES DISCUSSED:

- Fiscal impact of the measure
- Proposed amendment

EFFECT OF COMMITTEE AMENDMENT: Prohibits possessing animal of the same genus against which the crime was committed. Allows person subject to animal possession prohibition to file motion with sentencing court requesting a waiver.

BACKGROUND: SB 6 significantly strengthens penalties against animal abuse and neglect. Animal abuse occurs when a person intentionally, knowingly or recklessly causes death or serious physical injury to an animal. Aggravated animal abuse occurs when some maliciously kills or tortures an animal. Animal neglect occurs when a person intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care for an animal in their care.

Currently sentencing classifications for animal abuse and neglect are at the category three level of the sentencing grid with penalties ranging from probation to 30 days jail time. SB 6 raises the penalties to a six, seven or eight on the sentencing grid which will result in jail time and could result in several months in prison. In addition, SB 6 provides for licensing and oversight for animal care entities in response to a recent Marion County case of animal neglect which resulted in the seizure of 149 neglected dogs from an animal rescue facility.