

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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Action:	Do Pass
Vote:	8 – 1 – 0
Yeas:	Barnhart, Berger, Dembrow, Holvey, Hoyle, Jenson, Kennemer, Garrett
Nays:	Hicks
Exc.:	0
Prepared By:	Erin Seiler, Administrator
Meeting Dates:	7/3

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**WHAT THE MEASURE DOES:** Elevates aggravated animal abuse in first degree to category 6 on sentencing guidelines grid. Elevates ordinary animal abuse in first degree to category 6 on sentencing guidelines grid if offender previously convicted of domestic violence, child abuse, or if offense committed in presence of minor. Increases penalty for animal neglect in second degree to class C felony in cases of prior conviction of animal neglect, if offense involved 11 or more animals or offense was committed in presence of minor child; increases severity of sentencing based on number of animals neglected. Increases penalty for animal neglect in first degree to class C felony if there is prior conviction of animal neglect, if conduct involved 11 or more animals, or if committed in presence of 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 domestic animal after conviction with exception for first offender who owns commercial livestock operation for violation involving livestock. Provides alternative service for notice of forfeiture. Provides defendant opportunity for hearing on forfeiture. Establishes process for hearing on impoundment and lien. Defines terms. Establishes standards and license program for animal rescue entities. Authorizes inspections upon complaint and seizure upon evidence of cruelty. Declares an emergency, effective on passage.

**ISSUES DISCUSSED:**

- Circumstances in Marion County
- Scope of warrantless or administrative searches
- *Rush v. State of California*, 1984
- Definitions in measure

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Senate Bill 6-C enhances penalties against those who commit 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 someone 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 they are responsible for. Currently, sentencing classifications for animal abuse and neglect are at the category three level on the sentencing guidelines grid with penalties ranging from probation to 30 days jail. Senate Bill 6-C raises the level on the sentencing grid to category 6. In addition, Senate Bill 6-C 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.

7/3/2013 4:29:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*