



SF 369 – Animal Cruelty (LSB 1652SV)
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Fiscal Note Version – New

Description

Senate File 369 amends Iowa Code chapter **717B** related to the mistreatment of animals that are not livestock or game animals. The Bill creates two new criminal offenses and amends three other criminal offenses. The criminal offenses addressed by the Bill include:

- Animal abuse:
 - Defined as intentionally, knowingly, or recklessly causing injury, serious injury, or death to an animal by force, violence, or poisoning.
 - Abuse that does not cause serious injury or death to an animal is a serious misdemeanor.
 - Abuse that causes serious injury or death to an animal is an aggravated misdemeanor.
 - Abuse that causes serious injury or death to an animal is a Class D felony if committed by a person who has been previously convicted of committing animal abuse, animal neglect, animal abandonment, animal endangerment, injury to or interference with a police service dog, bestiality, or an act involving an animal contest event.
- Animal neglect:
 - Defined as failing to reasonably provide sufficient food, water, sanitary conditions, ventilated shelter, grooming, or veterinary care to an animal in a person's custody.
 - Neglect that does not cause serious injury or death to an animal is a simple misdemeanor.
 - Neglect that causes injury other than serious injury or death to an animal is a serious misdemeanor.
 - Neglect that causes serious injury or death to an animal is an aggravated misdemeanor.
 - Neglect that causes serious injury or death to an animal is a Class D felony if committed by a person who has been previously convicted of committing one of the offenses enumerated under "animal abuse" above.
- Animal torture:
 - Defined as intentionally, knowingly, or recklessly inflicting upon an animal severe and prolonged or repeated pain that results in the animal's suffering and serious injury or death.
 - Juvenile court will have the jurisdiction of a child accused of committing animal torture.
 - A person who commits animal torture is guilty of a Class D felony.
 - A person who commits animal torture is guilty of a Class C felony if the person has been previously convicted of committing one of the offenses enumerated under "animal abuse" above.
- Animal abandonment:
 - A new offense, defined as knowingly or recklessly relinquishing custody of an animal without legally transferring the animal to another person, making reasonable arrangements for the transfer of custody of the animal, or making other reasonable arrangements for the care of the animal.
 - Abandonment that does not cause serious injury or death to an animal is a simple misdemeanor.

- Abandonment that causes injury other than serious injury or death to an animal is a serious misdemeanor.
- Abandonment that causes serious injury or death to an animal is an aggravated misdemeanor.
- Abandonment that causes serious injury or death to an animal is a Class D felony if committed by a person who has been previously convicted of committing one of the offenses enumerated under “animal abuse” above.
- Animal endangerment:
 - A new offense, defined as confining an animal in a stationary motor vehicle in a manner that endangers the health or life of the animal by exposing the animal to a prolonged period of extreme interior temperature or lack of adequate ventilation.
 - Endangerment that does not cause serious injury or death to an animal is a simple misdemeanor.
 - Endangerment that causes injury other than serious injury or death to an animal is a serious misdemeanor.
 - Endangerment that causes serious injury or death to an animal is an aggravated misdemeanor.
 - Endangerment that causes serious injury to an animal is a Class D felony if committed by a person who has been previously convicted of committing one of the offenses enumerated under “animal abuse” above.

The Bill also does the following:

- Allows the court to order a person who commits animal mistreatment to undergo a psychological or psychiatric evaluation. Specifies the conditions under which an evaluation is required. Requires the costs of the evaluation to be paid by the convicted person.
- Allows the court to prohibit a person who commits animal mistreatment from owning or obtaining custody of an animal. Specifies that any violation of the court order is a simple misdemeanor.
- Allows a law enforcement officer or an animal warden to rescue an animal from a stationary vehicle if the animal is suffering distress due to extreme temperature or a lack of proper ventilation.
- Specifies Iowa Code section [25B.2](#) related to unfunded State mandates does not apply.

Background

Current law includes:

- A conviction of animal abuse is an aggravated misdemeanor.
- A conviction of animal neglect is a simple misdemeanor, but neglect that causes serious injury or death to the animal is a serious misdemeanor.
- A conviction of animal torture in the first offense is an aggravated misdemeanor, and a second or subsequent conviction is a Class D felony.
- A conviction for animal abandonment is a simple misdemeanor.
- A conviction for knowingly and willfully tormenting, striking, drugging, or otherwise interfering with a police service dog without inflicting serious injury is a serious misdemeanor.
- A conviction for knowingly and willfully torturing, injuring, or poisoning a police service dog, including causing the death of the animal, is a Class D felony.

Assumptions

[Senate File 369](#) expands the definition of animal crimes related to the mistreatment of animals and will result in an estimated increase of 10 convictions in the first year and 18 convictions each subsequent year. Other assumptions include:

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.

- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2019. A lag effect of six months is assumed from the law's effective date to the date of first entry of affected offenders into the correctional system.
- The analysis assumes that approximately 50.0% of dismissed charges for crimes against animals will become convictions under this Bill because this Bill expands the definition of animal abuse.

Correctional Impact

The correctional impact is based on the 105 convictions under Iowa Code chapter [717B](#) in FY 2018. It is estimated there will be 10 additional convictions in the first year and 18 additional convictions each subsequent year. The estimate includes 19 prison orders, 32 probation orders, 3 residential orders, and 18 jail orders. It is uncertain whether an individual who is convicted of a Class C felony or a Class D felony under this Bill will be incarcerated or placed under Community-Based Corrections (CBC) supervision.

Table 1 below shows estimates for sentencing to State prison, probation, or CBC residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors, aggravated misdemeanors, Class D felonies, and Class C felonies in crimes involving persons. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2019, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	FY 18 Avg Length of Stay Prison (months)	FY 18 Marginal Cost/Prison Day	Percent to Probation	FY 18 Avg Length of Stay Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal Cost/CBC Day	FY 18 Avg Length of Stay Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	FY 18 Marginal Cost/Jail Day
Class C Felony Persons	90.0%	39.8	\$18.43	30.0%	32.6	\$5.38	5.0%	\$11.85	19.5	\$5.38	39.0%	\$50.00
Class D Felony Persons	80.0%	17.2	\$18.43	53.0%	29.5	\$5.38	8.0%	\$11.85	10.6	\$5.38	31.0%	\$50.00
Aggravated Misdemeanor Persons	46.0%	8.5	\$18.43	71.0%	20.2	\$5.38	5.0%	\$11.85	4.8	\$5.38	53.0%	\$50.00
Serious Misdemeanor	2.0%	6.4	\$18.43	60.0%	13.1	\$5.38	1.0%	\$11.85	6.8	\$5.38	70.0%	\$50.00

Minority Impact

[Senate File 369](#) has a minority impact as 67.0% of the persons convicted of animal mistreatment in 2018 were Caucasian, 13.0% were African American, 3.0% were of other ethnicity, and 17.0% were of unknown ethnicity. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 7, 2019, for information related to minorities in the criminal justice system.

Fiscal Impact

[Senate File 369](#) is estimated to increase costs between \$237,000 and \$478,000 to the justice system across multiple fiscal years. The cost by offense is summarized in the table below.

Table 2 — Fiscal Estimate to the State Justice System

Offense	Change in Estimated Convictions	Cost per Conviction		Cost Increase	
		Minimum	Maximum	Minimum	Maximum
Simple Misdemeanor	-36	\$ 30	\$ 330	\$ -1,080	\$ -11,880
Serious Misdemeanor	23	390	5,000	8,970	115,000
Aggravated Misdemeanor	14	4,700	7,500	65,800	105,000
Class D Felony	10	9,200	14,100	92,000	141,000
Class C Felony	7	10,200	18,400	71,400	128,800
Total	18	\$ 24,520	\$ 45,330	\$ 237,090	\$ 477,920

Simple Misdemeanor

In FY 2018, there were 68 simple misdemeanor convictions related to animal mistreatment: 61 for animal neglect and 7 for animal abandonment. The fiscal estimate under this Bill assumes 32 such simple misdemeanor convictions. The fiscal impact for simple misdemeanors is summarized in **Table 2**.

Serious Misdemeanor

In FY 2018, there were 21 serious misdemeanor convictions for animal neglect that caused serious injury or death to an animal. The fiscal estimate under this Bill assumes 44 such serious misdemeanor convictions. The fiscal impact for serious misdemeanors is summarized in **Table 2**.

Aggravated Misdemeanor

In FY 2018, there were 16 aggravated misdemeanor convictions related to animal mistreatment: 12 for animal abuse and 4 for animal torture. The fiscal estimate under this Bill assumes 30 such aggravated misdemeanor convictions. The fiscal impact for aggravated misdemeanors is summarized in **Table 2**.

Class D Felony

In FY 2018, there were no Class D felony convictions related to animal mistreatment. It is anticipated that under this Bill there will be 10 such Class D felony convictions. The fiscal impact for a Class D felonies is summarized in **Table 2**.

Class C Felony

In FY 2018, there were no Class C felony convictions related to animal mistreatment. It is anticipated that under this Bill there will be seven Class C felony convictions. The fiscal impact for Class C felonies is summarized in **Table 2**.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Agriculture and Land Stewardship

/s/ Holly M. Lyons

March 1, 2019

The fiscal note for this Bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
