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**SF 591** – Animal Abuse (LSB1057SV)

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Fiscal Note Version – REVISED (Text describing fiscal estimate/table is unchanged)

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**Description**

[Senate File 591](#) amends Iowa Code chapter [717B](#) related to the mistreatment of animals that are not livestock or game animals. The Bill changes several criminal offenses.

Under current law, animal abuse is defined as when a person intentionally injures, maims, disfigures, destroys, or intentionally poisons an animal owned by another person. Under current law, a person who commits animal abuse is guilty of an aggravated misdemeanor. Under the Bill, a person who is convicted of animal abuse for a second or subsequent time is guilty of a Class D felony.

Under current law, animal neglect is defined as when a person does not supply an animal in confinement with sufficient food and water and fails to provide adequate shelter. Under current law, a person who commits animal neglect is guilty of a simple misdemeanor. Under the Bill, a person who commits animal neglect and causes serious injury or death to an animal is guilty of an aggravated misdemeanor. Animal torture is defined as when a person intentionally inflicts serious physical pain upon an animal that causes prolonged suffering or death of the animal.

The Bill increases the penalty for a person who commits animal torture from an aggravated misdemeanor to a Class D felony. The person who commits animal torture will be ordered to submit to a psychological evaluation and treatment. The convicted person will pay for the treatment. For the first conviction, the person may be ordered to complete a community service requirement that could include working at an animal shelter or pound.

The Bill does not apply to a commercial establishment that complies with the applicable standard of care as defined in Iowa Code section [162.10A](#).

**Background**

Under current law:

- 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.

**Assumptions**

[Senate File 591](#) changes the definition of animal crimes related to the mistreatment of animals. The number of convictions is not expected to increase; however, the offense class will be redistributed. Other assumptions include:

- Assumes the same number of convictions will occur annually that occurred in FY 2018.
- 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 98 convictions under Iowa Code chapter [717B](#) in FY 2018. The Bill redistributes the convictions by offense class and does not increase the total number of convictions. The estimate includes 7 prison orders, 1 probation order, and 3 residential orders.

**Table 1** below shows estimates for sentencing to State prison, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors, aggravated misdemeanors, and Class D 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/Day	Percent to Probation	FY 18 Avg Length of Stay Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal CBC Cost/Day	FY 18 Avg Length of Stay Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Class D Felony Persons	80.0%	17.2	\$19.93	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	\$19.93	71.0%	20.2	\$5.38	5.0%	\$11.85	4.8	\$5.38	53.0%	\$50.00
Serious Misdemeanor Persons	2.0%	6.4	\$19.93	60.0%	13.1	\$5.38	1.0%	\$11.85	6.8	\$5.38	70.0%	\$50.00

**Minority Impact**

[Senate File 591](#) has a minority impact, as 83.0% of the persons convicted of animal mistreatment in 2018 were Caucasian and 17.0% were African American. 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 591](#) is estimated to increase costs between \$92,000 and \$94,000 to the Justice System across multiple fiscal years. The cost by offense is summarized in **Table 2** below.

**Table 2 — Fiscal Estimate to the State Justice System**

<b>Offense</b>	<b>Change in Estimated Convictions</b>	<b>Cost per Conviction</b>		<b>Cost Increase</b>	
		<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>
Serious Misdemeanor	-11	\$ 390	\$ 5,000	\$ -4,290	\$ -55,000
Aggravated Misdemeanor	1	4,700	7,500	4,700	7,500
Class D Felony	10	9,200	14,100	92,000	141,000
<b>Total</b>	<b>0</b>	<b>\$ 14,290</b>	<b>\$ 26,600</b>	<b>\$ 92,410</b>	<b>\$ 93,500</b>

Simple Misdemeanor

In FY 2018, there were 61 simple misdemeanor convictions related to animal mistreatment. The fiscal estimate under this Bill assumes this number will remain the same and there is no fiscal impact included 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 a reduction of 11 more serious misdemeanor convictions under the Bill.

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 an increase of 1 more aggravated misdemeanor conviction under the Bill.

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 new Class D felony convictions.

**Sources**

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

/s/ Holly M. Lyons

March 13, 2019

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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.

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