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[HF 737](#) – Animal Mistreatment (LSB2126HV)

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Fiscal Note Version – New

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**Description**

[House File 737](#) amends Iowa Code chapter [717B](#) related to the mistreatment of animals that are not livestock or game animals. The criminal offenses addressed by the Bill include:

- Tampering with a rabies vaccination tag:
  - Defined as when a person knowingly removes, damages, or destroys a rabies vaccination tag that is attached to a collar worn by a dog.
  - A person convicted for a first offense is guilty of a simple misdemeanor.
  - A person convicted for a second or subsequent offense is guilty of a serious misdemeanor.
- Tampering with an electronic handling device:
  - Defined as when a person knowingly removes, damages, or destroys an electronic handling device that is attached to or worn by the dog or attached to an item worn by the dog.
  - A person convicted for a first offense is guilty of a simple misdemeanor.
  - A person convicted for a second or subsequent offense is guilty of a serious misdemeanor.
- Animal abuse:
  - Defined as when a person intentionally, knowingly, or recklessly acts to cause 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 punishable as a serious misdemeanor.
  - Abuse that causes serious injury or death to an animal is punishable as an aggravated misdemeanor.
  - Abuse that causes serious injury or death to an animal is punishable as a Class D felony if the abuse is 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 a person 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 punishable as a simple misdemeanor.
  - Neglect that causes injury other than serious injury or death to an animal is punishable as a serious misdemeanor.
  - Neglect that causes serious injury or death to an animal is punishable as an aggravated misdemeanor.

- Neglect that causes serious injury or death to an animal is punishable as 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 a person 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 over a minor 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.
- Abandonment of cats and dogs:
  - Defined as a person who owns or has custody of a cat or dog relinquishing all rights and duties to care for the animal. The Bill specifies exceptions.
  - Abandonment that does not cause serious injury or death to an animal is punishable as a simple misdemeanor.
  - Abandonment that causes injury other than serious injury or death to an animal is punishable as a serious misdemeanor.
  - Abandonment that causes serious injury or death to an animal is punishable as an aggravated misdemeanor.

The Bill 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, and requires the convicted person to pay the costs of the evaluation.

### **Background**

Current law states the following:

- 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 abandonment of a cat or dog 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**

[House File 737](#) expands the definition of animal crimes related to the mistreatment of animals and will result in an estimated increase of 17 convictions per 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, as this Bill expands the definition of animal abuse.

## **Correctional Impact**

This correctional impact is based on the 105 convictions under Iowa Code chapter [717B](#) in FY 2018. It is estimated there will be 17 additional convictions annually in FY 2020 and subsequent years. The estimate includes 17 prison orders, 28 probation orders, 3 residential orders, and 20 jail orders. It is uncertain whether an individual who is convicted of a Class C or Class D felony under this Bill will be incarcerated or placed under Community-Based Corrections (CBC) supervision. The correctional impact could not be estimated for the new offenses for removing, damaging, or destroying a rabies vaccination tag or an electronic handling device. It is not possible to estimate how many convictions might occur for a new offense.

**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**

<b>Conviction Offense Class</b>	<b>Percent to Prison</b>	<b>FY 18 Avg Length of Stay Prison (months)</b>	<b>FY 18 Marginal Cost/Day</b>	<b>Percent to Probation</b>	<b>FY 18 Avg Length of Stay Probation (months)</b>	<b>FY 18 Avg Cost/Day Probation</b>	<b>Percent to CBC</b>	<b>FY 18 Marginal CBC Cost/Day</b>	<b>FY 18 Avg Length of Stay Parole (months)</b>	<b>FY 18 Marginal Cost/Day Parole</b>	<b>Percent to County Jail</b>	<b>Marginal Cost/Day</b>
Class C Felony Persons	90.0%	39.8	\$19.93	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	\$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**

[House File 737](#) 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**

[House File 737](#) is estimated to increase costs to the justice system between \$219,000 and \$450,000 across multiple fiscal years. The cost by offense is summarized in **Table 2**.

**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>
Simple Misdemeanor	-35	\$ 30	\$ 330	\$ -1,050	\$ -11,550
Serious Misdemeanor	23	390	5,000	8,970	115,000
Aggravated Misdemeanor	14	4,700	7,500	65,800	105,000
Class D Felony	8	9,200	14,100	73,600	112,800
Class C Felony	7	10,200	18,400	71,400	128,800
<b>Total</b>	<b>17</b>	<b>\$ 24,520</b>	<b>\$ 45,330</b>	<b>\$ 218,720</b>	<b>\$ 450,050</b>

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 for this Bill assumes 33 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 for 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 for 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 8 such Class D felony convictions. The fiscal impact for a Class D felony 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 7 such 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  
 LSA calculations and analysis

/s/ Holly M. Lyons

March 25, 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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