

Bill as Introduced

HB 526-FN-LOCAL - AS INTRODUCED

2011 SESSION

11-0587

08/04

HOUSE BILL **526-FN-LOCAL**

AN ACT requiring the registration of persons convicted of animal abuse.

SPONSORS: Rep. Blankenbeker, Merr 11; Rep. Birdsell, Rock 8; Rep. Antosz, Rock 9

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires convicted animal abusers to register with certain law enforcement agencies.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1 I. Any animal abuser in this state for more than 10 consecutive days shall report in person
2 to the sheriff of the county in which he or she is located. The animal abuser shall report in person as
3 set forth in this section by the end of his or her 11th day in New Hampshire. The division shall notify
4 the local law enforcement agencies having jurisdiction over the animal abuser's other residences of
5 the animal abuser's address in their jurisdiction. Thereafter, the animal abuser shall report
6 annually prior to December 31 of each subsequent calendar year for a period of 15 years.

7 II. Each time an animal abuser is required to report, the animal abuser shall provide the
8 following information:

9 (a) Name and any aliases.

10 (b) Address of any permanent residence and address of any current temporary residence,
11 within the state or out-of-state, and mailing address. A post office box shall not be provided in lieu of
12 a physical residential address. If the animal abuser cannot provide a definite address, he or she
13 shall provide information about all places where he or she habitually lives.

14 (c) Name, address, and date of any employment or schooling. For purposes of this
15 section, the term "employment" includes volunteer work or work without remuneration. If the
16 animal abuser does not have a fixed place of work, he or she shall provide information about all
17 places he or she generally works, and any regular routes of travel.

18 (d) Date of birth, including any alias date of birth used by the animal abuser.

19 (e) Social security number.

20 (f) Physical description to include identifying marks such as scars and tattoos.

21 (g) Telephone numbers for both fixed location and cell phones. Passport, travel, and
22 immigration documents.

23 (h) A photograph taken by the law enforcement agency each time the person is required
24 to report to the law enforcement agency under this section.

25 (i) A set of major case prints, including fingerprints and palm prints of the offender.

26 (j) The offense for which the animal abuser was convicted and the date and place of the
27 conviction.

28 651-G:4 Change of Registration Information; Duty to Inform.

29 I. When there is a change to any of the information that an animal abuser is required to
30 report pursuant to this chapter, the animal abuser shall give written notification of the new
31 information to the county sheriff to which he or she last reported under RSA 651-G:3 within 5
32 business days of such change of information. In addition, any time an animal abuser changes
33 residence, employment, or schooling, the animal abuser shall report in person to the county sheriff
34 having jurisdiction over the animal abuser's previous place of residence, place of employment, or
35 school within 5 business days. The county sheriff receiving notice of the change of registration
36 information shall forward a copy to the division within 5 days after receipt. The division shall notify
37 the local law enforcement agency at the new place of residence, place of employment, or school, or the

1 appropriate out-of-state law enforcement agency if the new place of residence, place of employment,
2 or school is outside New Hampshire. The division shall include any new information in the animal
3 abuse registry system.

4 II. Upon receipt of notice that an animal abuser has changed residence, employment, or
5 schooling to a place outside New Hampshire, the division shall notify the appropriate out-of-state
6 law enforcement agency of that information. Within 10 business days after reporting the change of
7 residence, employment, or schooling to the New Hampshire law enforcement agency, the animal
8 abuser shall report to the appropriate out-of-state law enforcement agency having jurisdiction over
9 the new place of residence, place of employment, or school. If the animal abuser fails to report to the
10 appropriate out-of-state law enforcement agency the division shall maintain the offender's
11 information in the animal abuse registry system.

12 651-G:5 Availability of Information to the Public and Law Enforcement.

13 I. Except as provided in this section, the records established and information collected
14 pursuant to the provisions of this chapter shall not be considered "public records" subject to
15 inspection under RSA 91-A:4. However, nothing in this chapter shall be construed to limit any law
16 enforcement agency from making any use or disclosure of any such information as may be necessary
17 for the performance of a valid law enforcement function. Nothing in this chapter shall be construed
18 to limit an individual's ability to obtain access to the individual's own records, or to limit access to a
19 person's criminal record under the provisions of RSA 106-B:14, including address information
20 obtained under the provisions of this chapter.

21 II. The division shall maintain a list of all animal abusers required to register pursuant to
22 this chapter. The list shall also include all animal abusers about whom the division receives notice
23 pursuant to RSA 651-G:2. In addition to the information contained on the public list pursuant to
24 paragraph III, the law enforcement list shall include all information reported to the local law
25 enforcement agency or the department pursuant to RSA 651-G:3. In addition, the information shall
26 include the text of the statute under which the offender was convicted and the criminal history of the
27 offender. The list maintained pursuant to this paragraph shall not be available to the public but
28 shall be available to law enforcement officials for valid law enforcement purposes.

29 III. The division shall maintain a separate public list of all animal abusers required to
30 register under RSA 651-G:3 and any animal abusers about whom the division receives notice
31 pursuant to RSA 651-G:2. The public list shall include all of the following information:

32 (a) The animal abuser's name, aliases, age, race, sex, date of birth, height, weight, hair
33 and eye color, and any other relevant physical description.

34 (b) Address of any permanent residence and address of any temporary residence, within
35 the state or out of state.

36 (c) The offense for which the animal abuser is required to register and the text of the
37 statute defining the offense.

1 (d) The date and court of the adjudication of the offense for which the animal abuser is
2 registered.

3 (e) A photograph of the individual.

4 (f) The address of any place where the individual is or will be a student.

5 651-G:6 Rules. The department shall adopt rules, pursuant to RSA 541-A, relative to forms and
6 procedures for the administration of this chapter.

7 651-G:7 Penalties.

8 I. An animal abuser who is required to register under this chapter and who negligently fails
9 to comply with the requirements of this chapter shall be guilty of a misdemeanor.

10 II. An animal abuser who is required to register under this chapter and who knowingly fails
11 to comply with the requirements of this chapter shall be guilty of a class B felony.

12 2 Effective Date. This act shall take effect January 1, 2012.

HB 526-FN-LOCAL - AS INTRODUCED
- Page 5 -

LBAO
11-0587
01/18/11

HB 526-FN-LOCAL - FISCAL NOTE

AN ACT requiring the registration of persons convicted of animal abuse.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 526-FN-LOCAL

BILL TITLE: requiring the registration of persons convicted of animal abuse..

DATE: February 10, 2011

LOB ROOM: 204 Time Public Hearing Called to Order: 11:30 a.m.

Time Adjourned: 12:40 p.m.

(please circle if present)

Committee Members: Reps. Swinford, Gagne, Welch, Fields, Fesh, Charron, Villeneuve, Antosz, Greazza, Kreis, Parsons, Tasker, Warden, Pantelakos, Berube, Shurtleff and Ginsburg.

Bill Sponsors: Rep. Blankenbeker, Merr 11; Rep. Birdsell, Rock 8; Rep. Antosz, Rock 9

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Blankenbeker - In support. No written testimony.

*Rep. Birdsell - Supports. She read a written statement from Atty. Patricia Morris, PLLC. Written testimony provided.

Rep. Jason Antosz - Sponsor - Supports.

Sheriff Craig Wigg in Belknap County Sheriffs Association - Is opposed.

Nancy Holmes - Written testimony. Animal Breeder not in support. Recommends ITL.

*Joyce Arnella - Dog Owners of the Granite State - Written testimony provided.

*Atty. Michael Icopino, NHACDL - Opposed. Written testimony attached.

Denis Goddard - N.H. Liberty Alliance Totally supports - ITL

Respectfully Submitted:



Rep. Gene P. Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 526-FN-LOCAL

BILL TITLE: requiring the registration of persons convicted of animal abuse..

DATE:

LOB ROOM: 204 **Time Public Hearing Called to Order:**

Time Adjourned: 1240

(please circle if present)

Committee Members: Reps. ~~Swinford~~, ~~Gagne~~, ~~Welch~~, Fields, Fesh, ~~Charron~~, ~~Villeneuve~~, ~~Antosz~~, ~~Greazzo~~, ~~Kreis~~, ~~Parsons~~, ~~Tasker~~, ~~Warden~~, ~~Pantelakos~~, Berube, ~~Shurtleff~~ and ~~Ginsburg~~

Bill Sponsors: Rep. Blankenbeker, Merr 11; Rep. Birdsell, Rock 8; Rep. Antosz, Rock 9

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HD-526

REP. BLANKENBERGER, in support -

Support

no-written testimony -

11:30

support

11:50

Rep. BIRDSELL - SUPPORT She read a written-statement from ATTY. PATRICIA MORRIS. PLLC. written testimony provided.

support

12:05

REP. JASON ANTOSZ - SPONSOR -

support

12:15

Sheriff CRAIG WISS IN BELLEVUE COUNTY Sheriffs association is opposed.

opposed

12:20

Nancy Holmes Written Testimony animal Breeder not in support. recommend IFL

HB 526

⑥ 12:25
opposed

JOYCE ARNELLA (DOG OWNERS OF THE GRANITE STATE) written provided.

⑦
12:35
opposed

Atty Michael Despino NHACDL
written testimony attached.

⑧
12:40

NH LIBERTY ALLIANCE - DENIS GODDARD
TOTALLY SUPPORTS - ITL

(CLOSED) 12:45

Testimony

HB 526: AN ACT requiring the registration of persons convicted of animal abuse

RE: Testimony of Joyce Arivella, President, Dog Owners of the Granite State

My name is Joyce Arivella. I am here on behalf of Dog Owners of the Granite State (DOGS). DOGS is a NH nonprofit corporation and an American Kennel Club affiliated federation that represents NH pet owners. Our members are involved in all aspects of pet ownership. They breed and show dogs and cats. They participate in and teach obedience and agility, they are groomers, boarding kennel owners and veterinarians. They take part in track and field trials, sled dog events and 4-H expositions.

In addition to being the President of DOGS, I am a member of the NH Governor's Commission for the Humane Treatment of Animals (although I do not speak for them), Chair of the Newfoundland Club of America Obedience Committee, a Director on the Board of the Tracking Club of MA, Legislative Liaison of the Newfoundland Club of New England and a member of the Souhegan Kennel Club.

I am here to speak in opposition to HB526. According to a report done by SAOVA, The Sportsmen's and Animal Owners' Voting Alliance, attempts to enact animal abuser registries have been unsuccessful in Rhode Island, Colorado, Tennessee, Louisiana, and California. There were fiscal concerns in these states. For instance, Louisiana concluded the registry would cost \$46,000 to implement and \$126,000 over five years for very few offenders. The Tennessee Fiscal Office estimated a cost of \$22,500 to design the registry with \$4,800 annual recurring costs for approximately 3 offenders who would register annually.

Of the Animal Abuse Registry bills proposed in 2011, VA states that the Department of State Police estimates that approximately \$986,000 is needed to design and develop a new registry and website and an additional \$126,411 each year to support a position. Abuser registries were introduced in Washington - cost \$850,000. Bear in mind that these costs are often underestimated.

Aside from the costs of this type of registry the President of HSUS Wayne Pacelle has recently spoken out against Animal Abuse Registries. Mr Pacelle contends that animal abuse is not deemed by professionals as a pre-disposed, hard-wired condition. He goes on to say that people who abuse animals stand a much better chance of being rehabilitated than those with sexual predation tendencies.

Finally, when a person is arrested, whether for cruelty to animals or burglary, the police pull a Criminal History Report of the person. I've been told that history is fairly comprehensive. If the person has been cited for anything it will be on this report. Many people and businesses do background reports, much of this information is readily available for a fee. When a shelter or anyone transfers an animal to a new home it is their responsibility to screen potential new owners thoroughly to find the best fit for that animal. If this registry were in place we can potentially see how easy it would be for these people not to screen as vigorously. This would not be good for the animal or any of the parties involved.

Did you know it is considered cruelty in NH if you do not provide shelter for your dog if you tether it outside? If I tether my dog outside for an hour, he's laying in the snow, there is no shelter and my neighbor thinks he is cold I could be charged with cruelty 644:8 II-a. If I choose to pay the fine I am admitting guilt and would have to sign up for this registry because I did not have a doghouse. Does this make any sense to you? In Florida they have a cruelty law that says you may not dye your dog. A woman recently dyed her dog pink with dog friendly fur dye for Breast Cancer Awareness. She was charged with cruelty and paid the fine. If NH had this law in place and she moved here she would have to sign up for the registry. I fail to see how this can be a constructive law for NH.

Thank you for hearing my testimony.

NEW HAMPSHIRE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

Points in Opposition to HB 526
An Act Requiring the Registration of Persons Convicted of Animal Abuse
before the
NEW HAMPSHIRE HOUSE OF REPRESENTATIVES
Criminal Justice and Public Safety Committee

The New Hampshire Association of Criminal Defense Lawyers urges the Committee to report that this Bill is **INEXPEDIENT TO LEGISLATE** for the following reasons:

1. The Bill will be a drain on the financial and personnel resources of the State and in particular the Department of Safety. This Bill will require a substantial financial investment that will be funded by taxpayers. It will also require a substantial investment of time and effort of personnel of the Department to set up and operate this new institutional registry.

2. The Bill will cause added expenses to local police departments and law enforcement agencies.

3. There is no evidence that such a registry is necessary. There is no evidence that persons convicted of animal cruelty charges tend to be recidivists. There is no evidence that animals out and about on the street are in danger from persons previously convicted of animal abuse. There is no evidence that persons who have been previously convicted of animal abuse are psychologically or otherwise prone to subsequent acts of animal abuse.

4. Such a registry would be unimportant to law enforcement. Law enforcement officials already have significant resources from which they can determine the prior record of arrest and conviction of any person, in state or out of state. Eg., State Police Criminal Record Database; NCIC Database; Triple I inquiries.

5. Many animal abuse charges are the result of poverty and lack of financial capability to properly care for an animal that is otherwise loved. Not all charges of animal abuse are based on malicious actions toward animals but are often based upon neglect that is the result of financial indigency. Do we really need a public registry that includes people whose crime is the result of poverty?

If you have questions for NHACDL please feel free to contact:

Katherine Cooper, Exec. Director
603-669-7777

or

Mike Iacopino
603-668-8300



The Law Offices of
Patricia Morris, PLLC

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February 10, 2011

ENVIRONMENT AND AGRICULTURE COMMITTEE
House of Representatives
Concord, N.H. 03301

RE: Written Testimony on HB 526

Dear Committee Members:

Please accept this letter as written testimony concerning HB 526. I am a licensed attorney, for the past three years, my practice consists almost exclusively of Animal Law. A large part of my practice is dedicated to *pro bono* assistance in animal cruelty cases. I work directly with local police departments, shelters such as the NH SPCA, and prosecutors. I strongly support the concept of an animal abuse registry in N.H. This legislation is a step in the right direction and I urge the Committee to assign this to a subcommittee to research and work on amendments to work out details and process and funding.

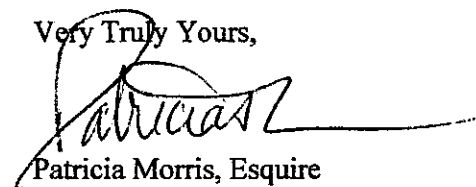
1. **Transferring ownership of animals from shelters/breeders to new owners.**
Currently there are no means for a shelter/breeder to conduct a background check on applicants (to adopt or purchase an animal). They cannot search a database or make a phone call to determine if the applicant has been previously convicted of animal cruelty. This information is relevant and important in the decision whether to adopt/sell to the applicant, by no means is it conclusive on its face, but to allow the shelter/breeder to make an informed decision on the quality of the applicant. In speaking with several of my clients, including equine shelters, dog rescue/shelters and small quantity breeders, they would value this database. In fact, most stated would pay to use the service. A fee of \$10-\$15 per search would be acceptable to them.
2. **NH RSA 644-8 is our cruelty law.** NH has misdemeanor and felony level cruelty to animals- negligent cruelty is a misdemeanor and intentional cruelty is a felony. In N.H., the majority of the cruelty cases are misdemeanor/neglect. A second conviction for misdemeanor/neglect cruelty constitutes felony. Permitting a police officer or a prosecutor to have the ability to search a database of convicted abusers would assist in determining the level of charges (misdemeanor or felony). This will also assist the courts in proper sentencing (such as limited future ownership or possession) of the convicted person. For example, the court may limit a defendant with a prior conviction for hoarding in NJ to owning only 2 dogs or may prohibit ownership of any animals for 3 years. Again, the court can make a more informed decision. Also important, it provides a stronger argument to the prosecutor to request the court

immediately transfer ownership of the seized animals to a shelter or the town (if a court knows the defendant has already been convicted for cruelty, the argument for immediate transfer is much more likely to be granted as opposed to a first time offender). This will greatly assist in keeping the care, custody and control costs down (rather than incurring those costs for 6 months at trial, then having the court transfer ownership).

3. **Restitution.** While courts often order the animal's owner to pay restitution to the town or the local shelter (and it is required under 644-8), it is rarely paid. There is no database where payments are tracked or balances are kept. Estimates area as low as ¼ of all court ordered restitution is paid. A database such as this cruelty registry would allow restitution tracking and follow up measures to occur at low cost with marginal effort. Shelters, breeders, and courts would all be able to determine if restitution was completely paid (if another conviction occurred). To assist in funding this registry, perhaps a percentage of the restitution could be used to maintain the registry.
4. **Information.** If a shelter or breeder determined an applicant, who was on the registry, could supply a good home to a pet, and they were willing to sell/adopt a pet to that applicant, the shelter/breeder could check the registry to (1) ensure the applicant had paid all court awarded restitution and (2) check the court sentence to ensure the applicant was permitted to own more animals (often, courts limit the number of animals, or prohibit ownership for a number of years). Again, resulting in a more informed decision.
5. **State Licensing.** The Department of Agr, Markets and Food requires all its licensees complete an application. This application asks the applicant if they have ever been convicted of animal welfare violations in any state and if yes, to explain. A registry would assist in ensuring accurate (or more accurate) information is received, and would save time/resources from DAMF investigating the veracity of the application (or worse, license a prior offender and result in a neglect or hoarding situation in N.H.).

Thank you for your time and consideration.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Patricia Morris", with a long horizontal flourish extending to the right.

Patricia Morris, Esquire

VA

HB526-FN-L

**Department of Planning and Budget
2011 Fiscal Impact Statement**

1. **Bill Number:** HB1930

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Marshall, D.W.

3. **Committee:** Courts of Justice

4. **Title:** Animal abuser registry established.

5. **Summary:** Defines 'animal abuser' as an adult who has been convicted of a felony violation of § 3.2-6570 (cruelty to animals) or 3.2-6571 (animal fighting) or of a substantially similar law of another state or of the United States and requires any animal abuser physically within the boundaries of the Commonwealth for more than 10 consecutive days to register in person with the sheriff of the county or city in which the animal abuser resides or is located. The bill also requires the offender to reregister annually. Failure to register or reregister is a Class 6 felony. The bill requires the sheriff to notify every residence and business within a one-half mile radius of the abuser's residence or location within 10 days of initial registration. The bill requires that registry information be maintained in a central registry by the State Police and posted on their website.

6. **Budget Amendment Necessary:** Yes. Items 380 and 407.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8.

8. **Fiscal Implications:** According to the Virginia Criminal Sentencing Commission, the proposed legislation would impact state correctional beds by 2 beds by fiscal year 2017. Consistent with the requirements of §30-19.1:4, Code of Virginia, the \$49,321 calculation should be appropriated in the Department of Corrections in fiscal year 2012 if this bill is passed. The Virginia Criminal Sentencing Commission also stated that the proposal would impact local jail beds by less than a bed by fiscal year 2017.

In addition, the Department of State Police estimates that about \$986,000 is needed to design and develop a new registry and website and an additional \$126,411 each year to support a position.

The cost to local law enforcement agencies is not known at this time.

9. **Specific Agency or Political Subdivisions Affected:** Departments of Corrections and State Police, local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/20/2011

Document: G:\2011\Fis\Assigned\Dsp\Hb1930.Doc jgc

CA

HB 526-FN4

BILL ANALYSIS

Senate Appropriations Committee Fiscal Summary
 Senator Christine Kehoe, Chair

1277 (Florez)

Hearing Date: 05/27/2010 Amended: 04/27/2010
 Consultant: Jacqueline Wong-Hernandez Policy Vote: Public Safety
 4-3

BILL SUMMARY: This bill requires the Department of Justice (DOJ) to create a registry for people convicted of felony animal abuse offenses, as specified. This bill provides requirements for implementing and enforcing the bill's provisions, related to the creation, operation, and regulations of the registry, and establishes penalties for misuse of registry information. This bill requires specified individuals convicted of felony animal abuse to register for 10 years after the date of conviction; failure to register is punishable as a misdemeanor.

Fiscal Impact (in thousands)

Major Provisions	2010-11	2011-12	2012-13
New DOJ registry		\$750-2,000	
\$750-2,000	\$300-500	General	
Ongoing DOJ workload		Unknown, potentially	
significant costs		General	
Mandate: law enforcement		Potentially significant	
reimbursable mandate	General		
Mandate: county probation		Likely minor, potentially	
reimbursable mandate	General		
Civil penalties			Unknown,
possibly significant revenue		General	
Local			
New misdemeanor		Unknown, non-reimbursable	
local costs	Local		

STAFF COMMENTS: SUSPENSE FILE.

This bill requires individuals convicted of animal abuse to register with local law enforcement, as specified, for ten years within 10 days of coming into this state or changing his or her residence or location within the state. Failure to register would be punishable as a misdemeanor.

This bill creates a new program within DOJ, and assigns new duties to local law enforcement and county probation officers. This bill requires DOJ to create a new registry, similar to the sex offender registry created by AB 488 "Megan's Law" (Parra, 2004) within the DOJ, which provides specified information about individuals living in the community who have been convicted of felony animal abuse. Because this bill requires the registry and publicly accessible website to be operational by January 1, 2012, the majority of costs to DOJ will be incurred in calendar year 2011 (above, in the first two fiscal years).

Page 2
SB 1277 (Florez)

The registry described in the bill, like the sex offender registry, is not a simple website. There are interactive functions and search capabilities beyond a standard departmental website, and a registry is frequently updated due to the requirements on registrants to update their information. The bill specifies certain information that must be available on the registry, but is silent on most aspects of design and implementation. DOJ will likely

bring in outside consultants to determine the best way of establishing a new registry that, while conceptually similar to, is not related to, the Megan's Law website. The cost of this project depends upon how it is implemented. If DOJ creates a new website and registry system, it will likely be more costly than integrating the registry with the existing Megan's Law platform (assuming there is no technological reason that latter cannot be done). DOJ may decide, however, that integrating the websites is inappropriate. The estimate range in the Fiscal Impact summary shows the potential difference in cost of building from the existing platform versus creating a new, separate website and registry.

In either case, DOJ will also have to hire outside consultants to build (and translate into other languages, as specified) the system, and will need DOJ staff dedicated to establishing the new registry. Ongoing staffing needs, once the registry is operational, are unknown but it is reasonable that DOJ would need at least dedicated resources for this new program. DOJ is also required to make registry information available by telephone and upon written request, to make reasonable efforts to notify individuals of the registration requirement, and to work with stakeholders to assist the public in understanding the registry and animal abuse. These activities create ongoing work for DOJ. DOJ is also required to determine who would be retroactively affected, and notify previously convicted individuals whose information will be posted by the department. This would create a new, one-time project workload.

This bill mandates, upon initially receiving the required registry information, that local law enforcement electronically transmit specified information about (and a photograph of) the person to DOJ, within three days. Local law enforcement must follow the same procedure every time the required registrant moves. This bill also requires that, when a required registrant is released on probation or discharged by payment of a fine, county probation officers inform the individual of his or her duty to register, and forward the registrant's address to DOJ. The cost of these new mandates will depend upon the number of people required to register, and how often they move. The mandate is likely to affect more local police and sheriff's departments than county probation offices.

This bill establishes civil penalties for misuse of the registry information by individuals and companies. To the extent that this misuse occurs and is proven, this bill would generate some amount of offsetting penalty revenue.

WA

Multiple Agency Fiscal Note Summary

Bill Number: 5144 SB	Title: Animal abuser registry
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Estimated Cash Receipts

NONE

Local Gov. Courts *		7,600		7,600		7,600
Local Gov. Other **						
Local Gov. Total		7,600		7,600		7,600

Estimated Expenditures

Agency Name	2011-13			2013-15			2015-17		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	27,880	27,880	.0	0	0	.0	0	0
Office of Attorney General	3.5	823,232	823,232	2.5	542,704	542,704	2.5	542,704	542,704
Total	3.5	\$851,112	\$851,112	2.5	\$542,704	\$542,704	2.5	\$542,704	\$542,704

Local Gov. Courts *									
Local Gov. Other **			2,364			2,364			2,364
Local Gov. Total			2,364			2,364			2,364

Estimated Capital Budget Impact

NONE

Prepared by: Matthew Bridges, OFM	Phone: (360) 902-0575	Date Published: Final
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 27518

Judicial Impact Fiscal Note

Bill Number: 5144 SB	Title: Animal abuser registry	Agency: 055-Admin Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2012	FY 2013	2011-13	2013-15	2015-17
Counties	3,600	3,600	7,200	7,200	7,200
Cities	200	200	400	400	400
Total \$	3,800	3,800	7,600	7,600	7,600

Estimated Expenditures from:

STATE	FY 2012	FY 2013	2011-13	2013-15	2015-17
State FTE Staff Years					
Account					
General Fund-State 001-1	27,880		27,880		
State Subtotal \$	27,880		27,880		
COUNTY	FY 2012	FY 2013	2011-13	2013-15	2015-17
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2012	FY 2013	2011-13	2013-15	2015-17
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$	27,880		27,880		

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact: Juliana Roe	Phone: (360) 786-7438	Date: 01/17/2011
Agency Preparation: Julia Appel	Phone: (360) 705-5229	Date: 01/24/2011
Agency Approval: Dirk Marler	Phone: 360-705-5211	Date: 01/24/2011
OFM Review: Cherie Berthon	Phone: 360-902-0659	Date: 01/25/2011

Request # -1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Section 2 provides definitions including animal abuser, animal abuse offense, and conviction.

Section 3 requires the clerk of the court in which a person's conviction for an animal abuse offense occurs to forward to the attorney general, electronically or otherwise, a copy of the judgment, the animal abuser's home address, and other information within forty-five days of the judgment date.

Section 5 creates a fee of \$50 to be assessed at the time of conviction and to be retained by the clerk transmitting the information to the attorney general.

Section 7 creates a new gross misdemeanor for a violation of the chapter.

II. B - Cash Receipts Impact

There was an average of 76 convictions annually (over the past two years) that would qualify for the \$50 fee under the provisions in this bill. 49 were in superior court, 23 in district court, and 4 in municipal court. Therefore maximum potential revenue is \$3,600 to the counties and \$200 to the cities. It should be noted that this fee could be waived.

II. C - Expenditures

It is expected that it will take approximately 10 to 15 minutes to process and send the necessary paperwork from the court to the attorney general on each conviction. Based on the low number of convictions over the past two years, there would be minimal expenditures incurred by the counties or cities statewide.

In order to implement the fee and information extract provisions for superior courts and courts of limited jurisdiction, modifications to the judicial information system will take approximately 224 hours at \$120 per hour, plus outside vendor costs, for a total one-time cost to the state of \$27,880:

20 hours: The superior court system (SCOMIS) has to be updated to allow the clerks to docket this fee assessment.

42 hours: The accounting systems for superior court and for the courts of limited jurisdiction have to be updated to create this new fee. New BARS codes have to be created to allow for the revenue to be distributed appropriately. BARS codes have a starting date and allow a specific split. Therefore, existing codes cannot be used.

20 Hours: \$1,000 for outside vendor. The superior court receipts money via an old standalone receiving system that is maintained by an outside vendor. Their programs have to be updated.

18 hours: Documentation has to be created for the implementation of the fee so that multiple tables in several systems can be updated. Documentation has to be created for the court users so that they know when to use this fee.

24 hours: All of the involved systems then have to be tested to make sure everything is working.

100 hours: Programs have to be written to create a data extract and a "canned query" to enable the courts to extract the appropriate data from the system. This includes testing.

The chapter violations under section 7 are not expected to have a significant expenditure impact on the courts.

Part III: Expenditure Detail

III A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years					
Salaries and Wages					
Employee Benefits					
Personal Service Contracts					
Goods and Services	27,880		27,880		
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$	27,880		27,880		

III B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III C - Expenditure By Object or Purpose (City)

<i>City</i>	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 5144 SB	Title: Animal abuser registry	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	4.0	3.0	3.5	2.5	2.5
Account					
General Fund-State 001-1	468,032	355,200	823,232	542,704	542,704
Total \$	468,032	355,200	823,232	542,704	542,704

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Juliana Roe	Phone: (360) 786-7438	Date: 01/17/2011
Agency Preparation: Tina Kondo	Phone: (206) 464-6293	Date: 01/18/2011
Agency Approval: Sarian Scott	Phone: (360) 586-2104	Date: 01/18/2011
OFM Review: Matthew Bridges	Phone: (360) 902-0575	Date: 01/19/2011

Request # 11-059-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 1 is a legislative declaration that asserts that a history of animal abuse is often present in those who commit common forms of violence, including child abuse, spouse abuse and elder abuse. The public should have information about persons convicted of severe animal abuse offenses. “[T]he legislature finds that releasing information about certain animal abusers under the circumstances specified in this chapter will further the primary governmental interest of protecting vulnerable populations from potential harm” and this act is necessary to protect the safety and general welfare of the people. “[I]t is not intended that the information be used to inflict retribution or additional punishment on those abusers”.

Section 2 defines “animal abuser” and “animal abuse offense” reference criminal offenses against animals in Title 16.

Section 3 requires the clerk of the court to forward conviction information about each person to the Attorney General’s Office (AGO) within 45 days of judgment. The AGO must maintain a registry available for public inquiry on the internet. The registry must include certain required information and other identifying data as the AGO determines is necessary, except for the social security number.

Section 4 requires animal abusers notify the AGO of a change of address within 48 hours of changing a primary or secondary residence. Subsection (2) requires animal abusers from other states to register with the AGO within 48 hours of establishing residency “or a physical presence” in Washington. Subsection (3) requires an animal abuser from out of state, within forty eight hours of employment, commencing a practice of vocation, or becoming a student, to notify the AGO of their presence in the state.

Section 5 establishes a \$50 fee for each person convicted of animal abuse. The fee shall be retained by the court clerk to defray expenses of transmitting information to the AGO.

Section 6 requires the AGO to remove information from the registry if there has not been another conviction within ten years, or upon notification of a person’s death.

Section 7 says it is “an offense” to “knowingly violate this chapter”.

Section 8 says the AGO shall adopt rules necessary to implement this act.

The AGO estimates a workload impact of 1.0 Assistant Attorney General (AAG), 1.0 Violent Crime Analyst (VCA), 2.0 Information Technology Specialists 4 (ITS4) and direct costs at a cost of \$468,032 in Fiscal Year (FY) 2012, 1.0 AAG, 1.0 Information Technology Specialists 3 (ITS3), 1.0 VCA and direct costs at a total cost of \$355,200 in FY2013, and 0.5 AAG, 1.0 ITS3, 1.0 VCA, and direct costs at a total cost of \$271,352 in FY2014 and in each FY thereafter. The workload impact is to provide legal services to review and defend legal issues, development of the tracking tool and to populate the registry and the main web site, and data entry and quality assurance for accuracy of the data.

Request # 11-059-1

We estimate web hosting direct costs of \$14,640 in FY2012 and each FY thereafter, which is included in this cost.

This bill is assumed effective July 1, 2011.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

These AGO activities are funded with General Fund-State dollars.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The AGO estimates a workload impact of 1.0 AAG, 1.0 VCA, 2.0 ITS4 and direct costs at a cost of \$468,032 in FY2012, 1.0 AAG, 1.0 ITS3, 1.0 VCA and direct costs at a total cost of \$355,200 in FY2013, and 0.5 AAG, 1.0 ITS3, 1.0 VCA, and direct costs at a total cost of \$271,352 in FY2014 and in each FY thereafter. The workload impact is to provide legal services to review and defend legal issues, development of the tracking tool and to populate the registry and the main web site, and data entry and quality assurance for accuracy of the data.

We estimate web hosting direct costs of \$14,640 in FY2012 and each FY thereafter, which is included in this cost.

Assumptions

1. We assume costs associated with the enactment of this bill will be paid with General Fund-State dollars.
2. We assume that the registry will be similar to the Washington Association of Sheriffs and Police Chiefs Offender Watch program though initially on a smaller scale.
3. We assume direct costs associated with the Department of Information Services for web hosting requirements.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	40	3.0	3.5	2.5	2.5
A-Salaries and Wages	275,112	196,860	471,972	309,768	309,768
B-Employee Benefits	77,032	55,121	132,153	86,736	86,736
C-Personal Service Contracts	14,640	14,640	29,280	29,280	29,280
E-Goods and Services	62,298	72,629	134,927	91,970	91,970
G-Travel	6,950	6,950	13,900	9,950	9,950
J-Capital Outlays	32,000	9,000	41,000	15,000	15,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$468,032	\$355,200	\$823,232	\$542,704	\$542,704

III B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2012	FY 2013	2011-13	2013-15	2015-17
Assistant Attorney General	83,952	1.0	1.0	1.0	0.5	0.5
Information Technology Specialist 3	64,740		1.0	0.5	1.0	1.0
Information Technology Specialist 4	71,496	2.0		1.0		
Violent Crimes Information Analyst	48,168	1.0	1.0	1.0	1.0	1.0
Total FTE's	268,356	4.0	3.0	3.5	2.5	2.5

III C - Expenditures By Program (optional)

Program	FY 2012	FY 2013	2011-13	2013-15	2015-17
Criminal Justice Division (CRJ)	243,522	243,522	487,044	319,350	319,350
Information Services Division (ISD)	224,510	111,678	336,188	223,354	223,354
Total \$	468,032	355,200	823,232	542,704	542,704

Part IV: Capital Budget Impact

NONE

None.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None.

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 5144 SB	Title: Animal abuser registry
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:** Minimal costs associated with arrests, prosecution, and indigent defense for convicted animal abusers who fail to register.
- Counties:** Minimal costs associated with arrests, prosecution, and indigent defense for convicted animal abusers who fail to register.
- Special Districts:**
- Specific jurisdictions only:**
- Variance occurs due to:**

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2012	FY 2013	2011-13	2013-15	2015-17
City	59	59	118	118	118
County	1,123	1,123	2,246	2,246	2,246
TOTAL \$	1,182	1,182	2,364	2,364	2,364
GRAND TOTAL \$					7,092

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 01/25/2011
Leg. Committee Contact: Juliana Roe	Phone: (360) 786-7438	Date: 01/17/2011
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 01/25/2011
OFM Review: Matthew Bridges	Phone: (360) 902-0575	Date: 01/26/2011

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

Section 1 establishes legislative findings related to animal abusers.

Section 2 provides definitions including animal abuser, animal abuse offense, and conviction.

Section 3 requires the clerk of the court in which a person's conviction for an animal abuse offense occurs to forward to the attorney general a copy of the judgment, the animal abuser's home address, and other information within 45 days of the judgment date.

Section 5 creates a fee of \$50 to be assessed at the time of conviction and to be retained by the clerk transmitting the information to the attorney general.

Section 7 creates a new gross misdemeanor for a violation of the chapter.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

The legislation would have a minimal impact on local government, resulting in costs of approximately \$1,182 per year to cities and counties. Court impacts, including judicial costs, clerk costs, and court fees, are described in fiscal notes prepared by the Administrative Office of the Court (AOC). Local government fiscal notes include county expenditures for law enforcement investigations and arrests, indigent defenders, county prosecutors and jail costs. Please see the AOC fiscal note for a discussion of impacts to county courts.

According to the AOC, there are an average of 76 convictions annually for animal abuse. Of this number, 49 were in superior court, 23 were in district court (county expenses) and four were in municipal court (city expense).

The legislation would create a new gross misdemeanor charge for animal abusers failing to register with the Attorney General. The Local Government Fiscal Note program (LGFN) assumes that rates of those failing to register would be equivalent to the rate of those failing to register for the sex offender registry. Approximately three percent of sex offenders are arrested each year for failure to register, and 2.6 percent are prosecuted, according to data from the Washington Association of Sheriffs and Police Chiefs (WASPC).

If each year 3 percent of animal abusers failed to register based on the requirements in the bill, this would equate to approximately two individuals (2.2) per year arrested and a similar number subsequently prosecuted (1.9). Costs for local law enforcement investigations and arrests are approximately \$117 (2.4 hours for an officer at \$40/hour plus .9 hours for a staff at \$23/hour). Costs for prosecution and defense would be approximately \$474 (see below for an explanation of prosecution and defense costs). Jail terms for violations of gross misdemeanors are unlikely, and due to the low number of violations per year LGFN assumes that no offenders would be jailed for the offense. Appeals occur in an estimated 1 percent of cases for similar charges, so due to the low number of convictions LGFN assumes there would be no costs associated with appeals. Thus, the annual cost to cities and counties would be \$1,182 (\$117 plus \$474 x two instances per year). Because approximately 5 percent of the convictions occur in municipal courts, the cost to cities would be \$59 per year and the remaining \$1,123 would be the responsibility of counties.

Prosecution Costs

The average cost for prosecuting a comparable misdemeanor (driving while license suspended) is approximately \$323 per case. Including an appeal raises the cost to approximately \$983 per case, according to the LGFN 2010 prosecutor survey. Appeals occur in an estimated 1 percent of cases.

Defense Costs

The cost for comparable misdemeanor (driving while license suspended) public defense representation ranges from approximately \$151 per case without a trial, to \$1,086 per case with a trial; appeals are usually a county expense. Approximately 83 percent of similar misdemeanor cases qualify for public defender representation, with 2 percent expected to go to trial and 1 percent of those trials expected to lead to an appeal (LGFN 2009 defender cost survey). Due to the low number of anticipated cases per year, LGFN assumes that all defendants would be represented by public defense and that no cases would go to trial.

Jail Costs

Jail sentences are possible, but would likely be no longer than a few days. The daily jail bed rate is \$76, according to the LGFN 2010 jail cost survey (weighted by population).

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

Revenue for cities and counties as a result of the fee created by the legislation is detailed in the fiscal note prepared by the AOC.

SOURCES

Administrative Office of the Courts

Washington Association of Sheriffs and Police Chiefs

Local Government Fiscal Note data models for arrests (2010), prosecution (2010), defense (2009) and jail costs (2010)

HB 526-FU-L

February 9, 2011

[This is the print preview: Back to normal view »](#)

Wayne Pacelle

President and CEO, The Humane Society of the United States

Posted: December 4, 2010 04:15 PM

Reservations About the Animal Abuse Registry

A law recently passed in Suffolk County, New York to require people convicted of cruelty to animals to register with a publicly accessible website or face jail time and fines. This idea has surfaced in several other states this past year, including California, Rhode Island, and Tennessee. It's an animal cruelty registry list, like a "Megan's Law" for animals, and it's an idea being widely discussed among individuals and organizations determined to fight cruelty.

By providing a resource for the public to identify neighbors convicted of animal cruelty, proponents argue, individuals can take steps to protect their animals and themselves. It provides a tool to allow people to be more alert to those individuals convicted of cruelty to animals. Proponents claim that the stigma of being registered for all to see will serve to deter people from committing animal crimes.

This idea springs from the right instinct: to be tough on people involved in cruelty. We at The Humane Society of the United States agree wholeheartedly that we need to know more about people convicted of cruelty to animals. The documented connection between animal cruelty and interpersonal violence and crime tempts us to see this approach as a potential tool for advancing a humane society. But there are a few other angles to consider.

For some years, we have been pressing the Federal Bureau of Investigation to specifically identify animal-related crimes in the Uniform Crime Reports system utilized by law enforcement agencies nationwide, rather than lump them into the "miscellaneous" category. Without a reporting requirement, there is no way to track the number of reported incidents of animal cruelty cases each year. This incomplete picture of the problem impedes efforts to properly focus enforcement resources and violence prevention programs.

The proper identification of animal cruelty crimes in the FBI Uniform Crime Reporting Program, once in effect, like the tracking of hate crimes and other important categories, would be national in

scope. Within the FBI system, every incident would be reported, whether or not it results in an arrest or conviction. By its nature, it is a much more inclusive system and the proper cataloging of animal cruelty offenses would enhance its value for helping authorities to determine where potential and actual criminal activity is occurring. Having proper data on where and with what frequency cruelty is occurring would help guide lawmakers on policy decisions and law enforcement and nonprofit agencies on allocation of scarce resources.

While high-profile animal cruelty cases often make the news, the overwhelming proportion of animal abuse is perpetrated by people who neglect their own animals. These people, including hoarders afflicted with serious mental health problems, are unlikely to pose a physical or violent threat to their neighbors' pets (or their neighbors, for that matter). When convicted of cruelty these people should be punished. But experience has made clear that such individuals would pose a lesser threat to animals in the future if they received comprehensive mental health counseling. Shaming them with a public Internet profile is unlikely to affect their future behavior – except perhaps to isolate them further from society and promote increased distrust of authority figures trying to help them. And would people other than those absolutely committed to our cause really check such a website anyway?

When someone is convicted and punished for cruelty, moreover, does shunning or shaming them forever do any good for any animals? Perhaps we are drawn to the idea as a result of our intense hatred of what they've done or the general frustration with the criminal justice system's failure to fully enforce laws that are often weaker than they should be. To that end, efforts to stop animal abuse and improve public safety should focus on upgrading criminal animal cruelty and neglect penalties and encouraging more vigorous application of these laws.

In addressing criminal misconduct, our society must strike the right balance between punishment and rehabilitation. Unlike sexual predation – the inspiration for abuse registry systems around the country – animal abuse is not deemed by professionals as a pre-disposed, hard-wired condition. People who abuse animals stand a much better chance of being rehabilitated, especially if identified early at a young age. And thank goodness for that. If people who have wronged animals in the past want to put such behavior behind them, we should surely hope that society can make that possible.

We see many examples of this in our work. Our End Dogfighting program works with former dogfighters to change the culture and turn young lives around. Youngsters in Chicago, Atlanta and Philadelphia are learning new ways to relate to their dogs. And they are becoming ambassadors in their communities spreading the anti-dogfighting message.

No group has put more resources into stopping animal cruelty and abuse, or done so with greater effect, than The HSUS. We have worked relentlessly through the years to upgrade state and federal animal fighting, animal cruelty and animal neglect laws. Thirty years ago, there were but a handful of felony-level penalties for cruelty. Now all 50 states treat dogfighting as a felony offense, 46 states treat malicious cruelty as a felony, and 39 states allow judges to hand out felony penalties for cockfighting offenses. There is a federal law that makes possession of fighting animals a felony offense, too. Strong laws against cruelty can deter criminals or allow us to lock up people who break the rules and leave a trail of animal victims.

And once those laws are on the books, they must be enforced. We have rewards programs and tip lines for information that leads to the arrest of people involved in cruelty, animal fighting, and even poaching. And we've trained more than 5,000 law enforcement officials in the identification and prosecution of animal abusers. We have just finalized our state legislative agenda for 2011, and will pursue substantial penalty upgrades of animal cruelty or fighting laws in 25 states.

Animal cruelty – like other crimes – must be reported, classified, and analyzed in a comprehensive

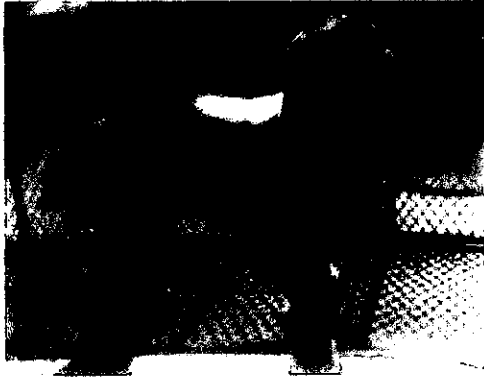
manner that results in swift and efficient enforcement of the law and the general improvement of society. It is not clear that the current round of proposals to create a patchwork of county-by-county or state-by-state public registry databases would materially advance these goals. In fact, it probably does nothing to help these people learn a new way of viewing and treating animals. Strengthening the human-animal bond is our ultimate goal, not deepening the break. We must utilize what energy and resources we can muster on the most effective approaches to the scourge of cruelty.

This post originally appeared on Pacelle's blog, [A Humane Nation](#).

Woman Fined For Dyeing Pup's Paws Pink

Coloring Pet's Fur Violates City, State Laws

POSTED: Monday, November 15, 2010



JACKSONVILLE, Fla. — Christine Hill bought a bottle of dye specifically for dogs and colored her poodle's paws pink for fun on Halloween.

"It goes on like shampoo and you rinse it off like shampoo," said Hill. "Everyone thinks it's cute."

But on Monday morning, Hill's poodle's pink paws got the attention of an animal control officer who happened to be driving by.

"She told me it was against the law," said Hill. Hill was in the field across from her house when the officer went up to her and handed her a ticket for \$255. The ticket said Hill was in violation for artificially coloring her animal.

"People put clothes on their dogs and T-shirts and you don't think twice because you're not harming the dog," said Hill.

Jacksonville Animal Care and Protective Services said that dying a pet's coat is against the law. Channel 4 found both a city ordinance and state statutes that prohibit people from coloring their pet's fur.

Hill doesn't believe what she did was wrong, but is telling her story so other people will know about the laws before they get fined for coloring their pup's hair.

"I think they should be looking at real animal cruelty cases," said Hill. "This is not animal cruelty."

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The 2010 Florida Statutes

Title
XLVI
CRIMES

Chapter 828
ANIMALS: CRUELTY; SALES; ANIMAL
ENTERPRISE PROTECTION

View Entire
Chapter

828.161

**Prohibiting artificial coloring and sale of certain animals and fowls;
construction.**

—

(1)

It is unlawful for any person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into this state.

(2)

It is unlawful for any person to sell, offer for sale, or give away as merchandising premiums, baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys or retail premiums.

(3)

This section shall not be construed to apply to any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings to be used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions.

(4)

Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

History.

—

s. 1, ch. 67-177; s. 953, ch. 71-136.

HOUSE CRIMINAL JUSTICE AND PUBLIC SAFETY February 10, 2011

HB 526: requiring the registration of persons convicted of animal abuse.

Testimony from Nancy Holmes 603-487-2156 fmkaffen@ix.netcom.com

Madam Chair and Members of the Committee,

My name is Nancy Holmes. I live in New Boston. I have a background in doing rescue work with dogs, breeding and showing, training and behavior modification, I own both dogs and cats, and have been an online pet expert for the last 6 years.

With my interest in animals, I follow the local animals for sale advertising, rescue and adoption network information, and of course animal news. As a breeder and rescuer, among other things, I carefully screen new homes for pets and follow up on them for life.

I am here to speak in opposition to HB 526 as I find it a valueless proposition once one has reviewed our animal cruelty laws. While our laws do cover the infrequent possibility of a non-owner abusing an animal, the majority of the law is directed at those most likely to be found guilty of abusing an animal, that animal's owner.

In many areas of the cruelty section of law (644:8) the text repeats 'in his possession' as one of the criteria for cruelty. Another area of the law states that 'his or her animal' can be seized by the arresting officer. This tells you right up front that there appears to be little to no general public danger from anyone convicted of animal abuse.

Unlike Megan's Law, where the intent is to protect the community at large by making information available for informed decision making by parents to help their children avoid 'stranger danger', the animal abuse registry bill, as written, serves no purpose for protecting members of the public. Instead it seems to fly in the face of our perception of the justice system that one can pay one's debt to society and then move on with their life.

This bill makes a conviction, of even misdemeanor animal cruelty, a life time sentence. It ignores the possibility of rehabilitation, even though our justice system right here in NH, as well as in other states, has sentenced people with animal abuse convictions to work with animals in a shelter or other supervised environment to educate them in better standards of animal care.

I do not believe an act of animal cruelty is due to an inborn trait that cannot be changed. I believe that experience of many types can change a person so that they would never again be guilty of breaking the cruelty laws.

A person might err into animal cruelty out of ignorance, poor education in animal care, poor coping skills in handling stress or anger, struggles with mental instability, because of substance abuse or due to their living situation and all of those

things are problems that many people overcome during their lives and consequently act differently than they did before.

That makes it inappropriate in my view to sentence everyone who breaks an animal cruelty law to a life time of being registered in a way that subjects that person and their family to constantly being reviled by a small segment of the population. Indeed that sort of stigma might result in further crimes rather than reducing any, both by and against the person with the conviction.

I see no reason to put this bill into law. I do see great danger, if it does go in, to it being followed by a similar request for every special interest group in the state. I don't believe we need to know our every neighbors' darkest secrets, personal troubles or deepest embarrassments to be 'safe'.

I've attached information on Megan's Law in NH, lack of effectiveness of that law in curbing repeat offences and examples of court ordered rehabilitation.

I hope you find this bill inexpedient to legislate. Thank you for your time and attention.

NH Sexual Offender Registry List (Megan's Law)

Any adult offender convicted of any of the below listed crimes, whether in this state or another, is required to register as a sexual offender for the following time periods, Felony convictions (Life); Misdemeanor convictions (10 Years).

The timeframe for offender registration is within 30 days of release (including while under supervision); 30 days of establishing residence; and 10 days of changing address.

AVAILABILITY OF INFORMATION TO THE PUBLIC
(Convicted of a Violation or Attempted Violation)

- ⊙RSA 632-A:2, I(1) Aggravated Sexual Assault
(sexual penetration with victim under 13 years of age)
- ⊙RSA 632-A:2, II Aggravated Felonious Sexual Assault
(touching genitals of victim under 13 years of age)
- ⊙RSA 632-A:3, III Felonious Sexual Assault
(sexual contact with victim under 13 years of age)
- ⊙RSA 645:1, III Indecent Exposure and Lewdness
- ⊙RSA 651-B:1, V Offender Against Children
- ⊙Or Equivalent Offense of another state or the federal government

The information available to the public is broken down by city or town and includes the sexual offender's name, address, offense and court date.

It is estimated that the majority of New Hampshire's registered sex offenders are in compliance with the registration requirement. However, the information listed for some offenders may not be up-to-date where sex offender registrants have failed to comply with New Hampshire's registration laws.

Law Enforcement attempts to identify offenders who are not registered with the correct address and work to arrest sex offenders who do not comply with registration laws. If you are aware of an offender not in compliance with registration laws, or erroneous information provided on the registration list, notify your local law enforcement agency.

Lack of effectiveness of Megan's Law from a US Department of Justice funded study

I found this 2008 document containing the results of a study on effectiveness of Megan's Law here <http://www.ncjrs.gov/pdffiles1/nij/grants/225370.pdf>

Megan's Law: Assessing the Practical and Monetary Efficacy

Authored By

Kristen Zgoba, Ph.D.; Philip Witt, Ph.D.; Melissa Dalessandro, M.S.W.; Bonita Veysey, Ph.D

Section on negative consequences to the offenders-

"A few studies have also surveyed sex offenders to determine the impact that community notification laws have had upon them. Tewksbury (2005) found that social stigmatization, loss of relationships, employment and housing, and both verbal and physical assaults were experienced by a significant minority of registered sex offenders (see also Tewksbury & Lees, 2006). Zevitz and Farkas (2000) also found that a majority of sex offenders reported negative consequences, such as exclusion from residences, threats and harassment, emotional harm to their family members, social exclusion by neighbors, and loss of employment. Furthermore, according to many tier three offenders interviewed, these laws would not deter them from committing future sex offenses (Zevitz and Farkas, 2000). In fact, Presser and Gunnison (1999) suggest that notification laws may be counterproductive in that public scrutiny causes additional stress to offenders who are transitioning back into the community. The fear of exposure may cause offenders to avoid treatment, and in the case of pedophiles, may encourage offenders to seek out children as a result of adult isolation. If these assumptions are true, the risk of recidivism may be increased (Presser & Gunnison, 1999), or at least such factors would work against any protective measures taken, thus lessening or eliminating any positive effect of the law."

Conclusion section

"Conclusion

Despite wide community support for these laws, there is little evidence to date, including this study, to support a claim that Megan's Law is effective in reducing either new first-time sex offenses or sexual re-offenses. Continuing research should focus on matching samples of sex offenders before and after the implementation of Megan's Law and also examining levels of supervision associated with Megan's Law. Further research will be conducted utilizing the data accumulated here, specifically exploring low base rate offending and potential predictors of sexual recidivism. Should future studies establish that Megan's Law has no demonstrable effect on the rates of sexual offending, policy makers and legislative leaders should investigate other options for lowering sex offense rates, such as mandated treatment of all sex offenders, potential use of polygraph testing and intensive probation and parole supervision."

Please note the publication also states as a footnote that

"This document is a research report submitted to the U.S. Department of Justice. This report has not been published by the Department. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice."

Rehabilitation Examples

Incidents where people convicted of animal cruelty were sentenced to work with animals to learn better as a part of their rehabilitation.

NH

Source <http://www.nh.gov/humane/documents/2009-abuse-report.pdf>

15. The sentence was a fine and a suspended jail sentence. The sentence also required her to complete an anger management course and **animal handling/husbandry course approved by the New Hampshire Society for the Prevention of Cruelty to Animals (NHSPCA)**. If she did not take the courses she would have to surrender her animals and serve the suspended sentence.

MD

Source <http://www.lifewithdogs.tv/2010/09/maryland-residents-outraged-over-sentencing-of-dog-abuser>

BALTIMORE – Local animal advocates are up in arms over the sentencing of a man accused of beating his dog to death with a plastic pipe. An anonymous call led to the arrest of Derrick Chambers. Officers responded to a report that someone saw Chambers beating the dog before stuffing it in a plastic bag and throwing it in the bed of his truck. Police took the dog to a city shelter, where it had to be euthanized due to extensive injuries.

Based on his attorney's recommendation, *Chambers was sentenced to 50 hours of community service at the Maryland SPCA.*

AL

Source http://www.animalsheltering.org/resource_library/magazine_articles/mar_apr_1996/community_service.pdf

In May 1994 in Mobile, Alabama, a group of teenagers attempted to hang a puppy and burn him alive. A few months later, they were found guilty of cruelty to animals in connection with the abuse.

The presiding judge sentenced one of the young men, a juvenile named "Greg," to perform **200 hours of community service for the Mobile SPCA**. Greg became the first person convicted of a crime against animals that the SPCA, which does not operate a shelter, accepted for community service.

According to Mobile SPCA president Joan Richardson, the experience was a positive one. **And anecdotal evidence suggests that, based in part on stories like Greg's, increasing numbers of judges are sentencing convicted animal abusers to perform community-service work at animal shelters.**

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 526-FN-LOCAL

BILL TITLE: requiring the registration of persons convicted of animal abuse.

DATE: February 22, 2011

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Larry G. Gagne

Seconded by Rep. Dennis H. Fields

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

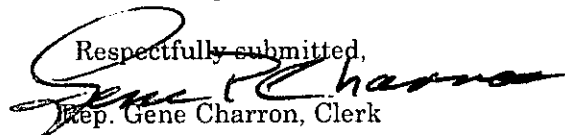
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Gene Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 526-FN-LOCAL

BILL TITLE: requiring the registration of persons convicted of animal abuse.

DATE: ~~2/15/11~~ 2/23/11

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Sagone*

Seconded by Rep. *Fields*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gene Charron, Clerk

Consent
Gene P Charron

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 526-FNL Title: Requiring the registration of persons convicted of animal abuse.

PH Date: 02 / 10 / 11

Exec Session Date: 2/22/2011

Motion: 1 J 2

Amendment #: _____

MEMBER	YEAS	NAYS
Swinford, Elaine B, Chairman	L	
Gagne, Larry G, V Chairman	✓	
Welch, David A	✓	
Fields, Dennis H	✓	
Fesh, Robert M	✓	—
Charron, Gene P	✓	
Villeneuve, Moe	✓	
Antosz, Jason P	✓	
Greazzo, Phil J	✓	
Kreis, Kenneth	✓	
Parsons, Robbie L	✓	
Tasker, Kyle J	✓	
Warden, Mark	✓	
Pantelakos, Laura C	✓	
Berube, Roger R	✓	—
Shurtleff, Stephen J	✓	
Ginsburg, Philip E	✓	
	15-0	

Committee Report

CONSENT CALENDAR

March 2, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB526-FN-L,

AN ACT requiring the registration of persons convicted of animal abuse. Having considered the same, report the same with the following Resolution: **RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

Rep. Larry G Gagne

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB526-FN-L
Title:	requiring the registration of persons convicted of animal abuse.
Date:	February 22, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill, if passed, will be a drain on the financial and personal resources of the State and in particular the DOS. This bill will require a substantial financial investment funded by taxpayers and cause added expenses to local police departments and law enforcement agencies. There is no evidence that such a registry is necessary and in fact law enforcement officials already have resources from which they can determine prior records of arrest and conviction of any person, in the state, or out of state.

Vote 15-0.

Rep. Larry G Gagne
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB526-FN-L, requiring the registration of persons convicted of animal abuse. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G Gagne for CRIMINAL JUSTICE AND PUBLIC SAFETY. This bill, if passed, will be a drain on the financial and personal resources of the State and in particular the DOS. This bill will require a substantial financial investment funded by taxpayers and cause added expenses to local police departments and law enforcement agencies. There is no evidence that such a registry is necessary and in fact law enforcement officials already have resources from which they can determine prior records of arrest and conviction of any person, in the state, or out of state. **Vote 15-0.**

Original: House Clerk
Cc: Committee Bill File

HB 526-FN-Local requiring the registration of persons convicted of animal abuse.

This bill, if passed, will be a drain on the financial and personal resources of the State and in particular the DOS. This bill will require a substantial financial investment funded by taxpayers and cause added expenses to local police departments and law enforcement agencies. There is no evidence that such a registry is necessary and in fact law enforcement officials already have resources from which they can determine prior records of arrest and conviction of any person, in the state, or out of state.

**Rep. Larry G. Gagne
For the Committee
15-0 ITL CC**

Rep. Elaine Swartz

COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: HB 526-FN-local

TITLE: Requiring the registration of persons convicted of animal abuse.

DATE: February 22, 2011 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

This bill if passed will be a drain on the financial and personnel resources of the state and in particular the D.O.S. This bill will require a substantial financial investment funded by taxpayers and cause added expenses to local police departments and law enforcement agencies.

There is no evidence that such a registry is necessary and in fact law enforcement officials already have resources from which they can determine prior records of arrest and conviction of any person, in state or out of state.

COMMITTEE VOTE: 15 To 0

RESPECTFULLY SUBMITTED,

<ul style="list-style-type: none"> • Copy to Committee Bill File • Use Another Report for Minority Report

Rep. Larry G. Rogge
For the Committee

Rep. Elaine Swenford