

CONSENT CALENDAR

May 21, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Criminal Justice and Public Safety
to which was referred HB 1606-FN,

AN ACT relative to cruelty to a wild animal, fish, or wild
bird. Having considered the same, report the same with
the recommendation that the bill OUGHT TO PASS.

Rep. Beth Rodd

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1606-FN
Title:	relative to cruelty to a wild animal, fish, or wild bird.
Date:	May 21, 2020
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill establishes an enhanced criminal penalty for cruelty to any wild animal, fish, or wild bird. New Hampshire is one of only five states that does not prohibit deliberate acts of cruelty toward wildlife in statutes. Current law makes malicious torture of domestic animals a crime, but there is not a similar provision for someone acting with deliberate cruelty to wildlife. This bill closes this loophole by making it unlawful to beat, whip, torture, or mutilate any wild animal, fish, or wild bird. This bill does not pertain to lawful hunting practices. The penalties in this bill are consistent with other penalties for animal cruelty.

Vote 20-0.

Rep. Beth Rodd
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 1606-FN, relative to cruelty to a wild animal, fish, or wild bird. **OUGHT TO PASS.**

Rep. Beth Rodd for Criminal Justice and Public Safety. This bill establishes an enhanced criminal penalty for cruelty to any wild animal, fish, or wild bird. New Hampshire is one of only five states that does not prohibit deliberate acts of cruelty toward wildlife in statutes. Current law makes malicious torture of domestic animals a crime, but there is not a similar provision for someone acting with deliberate cruelty to wildlife. This bill closes this loophole by making it unlawful to beat, whip, torture, or mutilate any wild animal, fish, or wild bird. This bill does not pertain to lawful hunting practices. The penalties in this bill are consistent with other penalties for animal cruelty. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1606-FN

BILL TITLE: relative to cruelty to a wild animal, fish, or wild bird.

DATE: May 21, 2020

LOB ROOM: 204

MOTIONS: OUGHT TO PASS

Moved by Rep. Rodd

Seconded by Rep. Pantelakos

Vote: 20-0

Respectfully submitted,

Rep Linda Harriott-Gathright, Clerk

HOUSE COMMITTEE ON CJPS

EXECUTIVE SESSION ON HB 1606 FN

BILL TITLE: Relative to cruelty to a wild animal, fish or wild bird

DATE: 5/21/20

LOB ROOM: Virtual

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Rodd Seconded by Rep. Pantelakes Vote: 20/0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR? Yes No

Minority Report? Yes No If yes, author, Rep.: _____ Motion: _____

Respectfully submitted, Rep. [Signature] Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

5/15/2020 1:19:36 PM
Roll Call Committee Registers
Report

2020 SESSION

Criminal Justice and Public Safety

Bill #: HB1606 Motion: OTP AM #: _____ Exec Session Date: 5/21/20

Members	YEAS	Nays	NV
Cushing, Robert Renny Chairman	✓		
Rodd, Beth Vice Chairman	✓		
Pantelakos, Laura C.	✓		
O'Hearne, Andrew S.	✓		
Harriott-Gathright, Linda C. Clerk	✓		
Opderbecke, Linn	✓		
Bordenet, John	✓		
Meuse, David	✓		
Murphy, Nancy A.	✓		
Newman, Ray E.	✓		
Radhakrishnan, Julie	✓		
Swinburne, Sandy L.	✓		
Welch, David A.	✓		
Fields, Dennis H. <i>Rice</i>	✓		
Green, Dennis E. <i>Baldassara</i>	✓		
Testerman, Dave	✓		
Wallace, Scott	✓		
Abbas, Daryl A.	✓		
Roy, Terry	✓		
TOTAL VOTE:			

OBER

20

0

HB 1606-FN - AS AMENDED BY THE HOUSE

19Feb2020... 0373h

2020 SESSION

20-2039

04/01

HOUSE BILL ***1606-FN***

AN ACT relative to cruelty to a wild animal, fish, or wild bird.

SPONSORS: Rep. Read, Rock. 17; Rep. Spillane, Rock. 2; Rep. W. Thomas, Hills. 21; Rep. Murphy, Hills. 21; Rep. Wall, Straf. 6; Rep. Gay, Rock. 8; Rep. Abrami, Rock. 19; Rep. Abbas, Rock. 8; Rep. DeSimone, Rock. 14; Rep. Kenney, Straf. 6; Sen. Sherman, Dist 24; Sen. Watters, Dist 4

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill establishes an enhanced criminal penalty for cruelty to any wild animal, fish, or wild bird.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to cruelty to a wild animal, fish, or wild bird.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Fish and Game Commission; Cruelty to Wild Animals, Fish, or Wild Birds.

2 Amend RSA 206 by inserting after section 19-a the following new section:

3 206:19-b Cruelty to Wild Animals, Fish, or Wild Birds; Enhanced Penalty.

4 I.(a) Any person who purposely beats, cruelly whips, tortures or mutilates any wild animal,
5 fish or wild bird as defined in RSA 207:1, or purposely causes any wild animal, fish, or wild bird to
6 be beaten, cruelly whipped, tortured or mutilated shall be guilty of a class B felony.

7 (b) Any person who negligently beats, cruelly whips, tortures or mutilates any wild
8 animal, fish or wild bird as defined in RSA 207:1, or negligently causes any wild animal, fish or wild
9 bird to be beaten, cruelly whipped, tortured or mutilated shall be guilty of a misdemeanor.

10 II. It shall be an affirmative defense to prosecution and an actor shall be exempt from
11 enhanced penalties under this section for any manner of taking, open season time limits, permitted
12 scientific investigations or wildlife management practices lawful under title XVIII or administrative
13 rules adopted pursuant to RSA 541:A, whether or not the actor holds a current and valid license
14 issued by the department.

15 2 Effective Date. This act shall take effect January 1, 2021.

HB 1606-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2020-0373h)

AN ACT relative to cruelty to a wild animal, fish, or wild bird.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill establishes class B felony and unspecified misdemeanor offenses relative to animal cruelty. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Class B Misdemeanor	\$54	\$56
Class A Misdemeanor	\$77	\$79
Simple Criminal Case	\$300	\$314
Routine Criminal Felony Case	\$484	\$498
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case

Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2019 Average Cost of Incarcerating an Individual	\$44,400	\$44,400
FY 2019 Annual Marginal Cost of a General Population Inmate	\$5,071	\$5,071
FY 2019 Average Cost of Supervising an Individual on Parole/Probation	\$576	\$576
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

Fish and Game Department, Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties