

HB 4043 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Amie Fender-Sosa, LPRO Analyst

Meeting Dates: 2/8, 2/13

WHAT THE MEASURE DOES:

Creates the crime of interfering with an investigation for offense against an animal. Amends elements of the crimes of *animal abuse in the first degree* and *aggravated animal abuse in the first degree* and classifies them as a crime category 7 on the sentencing guidelines grid in certain circumstances. Amends the elements of *animal neglect in the first degree*. Allows a person subject to the prohibition of owning or residing with an animal to request a modification or termination to the prohibition.

Detailed Summary:

Creates the crime of interfering with an investigation for offense against an animal, which is when a person intentionally or knowingly conceals or transports an animal or takes other action to prevent a peace officer or veterinarian from examining the suspected animal victim. Interference is a Class A misdemeanor.

For animal abuse in the first degree, removes the intentional and knowing mens rea, leaving reckless behavior. Modifies elements to include death, in addition to serious physical injury and removes the need for the cause of death to be done in a cruel manner.

Currently, if a person commits animal abuse in the presence of a minor, the animal abuse is classified as a Class C felony, and requires the CJC to classify the offense as a crime category 6. This bill would direct the CJC to classify the above offense as a crime category 7.

Modifies the mental state for a crime of aggravated animal abuse in the first degree from maliciously killing an animal or intentionally or knowingly torturing an animal to intentionally or knowingly torturing an animal or causing serious physical injury or death to an animal.

For the crime of animal neglect, increases the crime to a Class C felony if the person acts intentionally, knowingly or recklessly as to cause physical death or injury to the animal.

Prohibits a person who has been convicted of certain animal cruelty crimes from possessing or residing with an animal of the same genus against which the crime was committed or any domestic animal for a period of five years after the conviction. Current law only limits possession. Allows a person subject to the prohibition to request modification or termination of the prohibition if certain requirements are met.

ISSUES DISCUSSED:

- House Bill 3384 (2023)
- Desire to close gaps in the animal neglect laws
- Does not threaten those who provide food, services, those who hunt for sport or fish
- Sometimes when someone gets wind of an investigation coming, a friend will hide the abused animal
- Starving a horse to death is currently animal neglect 1, which does not reflect the harm and intent level
- Law allows a person convicted of animal abuse to keep the animal and claim it now belongs to a friend
- Creates more safety for the animals and allows the law to be enforced
- Creates an appeal process
- Animal abuse versus neglect
- Mental states practitioners are familiar with; malicious is not used anywhere else in the code
- Strengthens and clarifies the crime of aggravated animal abuse

This summary has not been adopted or officially endorsed by action of the committee.

HB 4043 -2 STAFF MEASURE SUMMARY

- There is a correlation of violence against animals and against people

EFFECT OF AMENDMENT:

-2 Clarifies that the measure does not affect certain exemptions, including working with livestock, rodeo animals, controlling vermin, hunting, fishing, reasonable animal training techniques or good veterinary practices.

REVENUE: Has minimal revenue impact

FISCAL: Has minimal fiscal impact

BACKGROUND:

Under current statute a person commits the crime of aggravated animal abuse in the first degree if the person: (a) maliciously kills an animal; or (b) intentionally or knowingly tortures an animal. Animal abuse in the first degree is established if a person intentionally, knowingly or recklessly: (a) causes serious physical injury or death to an animal; or (b) cruelly causes the death of an animal. Both aggravated animal abuse in the first degree and animal abuse in the first degree are Class C felonies and are classified as crime category 6 on the sentencing guidelines grid.

A person commits the crime of animal neglect in the first degree if the person intentionally, knowingly, recklessly or with criminal negligence: fails to provide minimum care for an animal in the person's custody or control and the failure to provide care results in serious physical injury or death to the animal; or tethers a domestic animal in the person's custody or control and the tethering results in serious physical injury or death to the domestic animal. Animal neglect is a Class A misdemeanor unless certain aggravating factors exist enhancing the severity to a Class C felony.