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FISCAL IMPACT REPORT

Ferrary/Roybal
Caballero/
Trujillo,CH/Thomson/ **ORIGINAL DATE** 03/03/ 17
SPONSOR Armstrong, D **LAST UPDATED** 03/09/17 **HB** 449/aHCPAC

SHORT TITLE Pets & Domestic Abuse **SB** _____

ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI	NFI	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 245 and SB 259

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Administrative Office of the District Attorneys (AODA)
Board of Veterinary Medicine (BVM)
Children, Youth & Families Department (CYFD)
Department of Public Safety (DPS)
Office of the Attorney General (OAG)

SUMMARY

Synopsis of HCPAC Amendments

The House Consumer and Public Affairs Committee amendments to House Bill 449: 1) replace “pet” with “companion animal” throughout; and 2) clarify the perquisite intent to be either malicious or willful.

Synopsis of Original Bill

House Bill 449 expands the definition of domestic abuse in the Family Violence Protection Act to include injuring or killing or threatening to injure or kill a pet by a household member.

FISCAL IMPLICATIONS

As AODA notes HB 449 may increase costs slightly to law enforcement agencies, courts and

special commissioners who may issue or enforce protective orders under the Act by providing an additional grounds for such an order. Further, violation of such an order is a misdemeanor, and the district attorneys, public defenders and the courts may experience a slight increase in prosecutions resulting from such a violation. LFC staff anticipates any such increases can be absorbed in each agency's existing budget.

SIGNIFICANT ISSUES

Several responding agencies comment on the connection between pet abuse and violence against household members. OAG advises that research has established that pets are often used as a weapon of coercion and control in abusive relationships. Violence against a pet as a way to “get back” at a domestic violence victim or as a way to encourage the victim to return to the household to protect the pet is not uncommon. CYFD reports that abuse or threatened abuse of pets is a common power and control tactic used by abusers; 71 percent of pet-owning women entering women's shelters reported that their batterers had injured, maimed, killed, or threatened family pets for revenge or to psychologically control victims (NCADV, AHA). Up to 65 percent of domestic violence victims are unable to escape their abusers because they are concerned about what will happen to their pets when they leave (Carlisle-Frank, Frank and Nielson, 2004). In a review of the literature, the American Humane Association reports that 68 percent of battered women reported violence occurred toward their animals, and 87 percent of these incidents occurred in the presence of the women to psychologically control and coerce them. Pets may suffer unexplained injuries, health problems, or permanent disabilities at the hands of abusers, or disappear from their homes.

Further, CYFD calls attention to several studies over the past two decades regarding intra-familial violence (including domestic violence, child abuse and elder abuse), which have found intra-familial violence extends to animal cruelty. Within those studies, research indicated that where animal cruelty is prevalent, there is also child maltreatment and battering. (Boat, *Connections Among Adverse Childhood Experiences, Exposure to Animal Cruelty and Toxic Stress*, 2014)

BVM comments this bill provides another means to protect the public and its companion animals.

RELATIONSHIP

HB 449 is related to: SB 259, which prohibits a person subject to certain orders of protection from possessing or purchasing firearms; SB 245, which enacts new legislation concerning substitute addresses in the FVPA; and HN 448, which addresses custody of pets in divorce cases.

TECHNICAL ISSUES

OAG suggests the absence of a definition of pet could lead to difficulties in interpretation, which could impact enforcement as well. Additionally, the FVPA generally defines abuse as acts against another household member; if HB 449 is intended to apply only to a household pet, that intent may need to be clarified.

OTHER SUBSTANTIVE ISSUES

AOC notes that incidents addressed by this bill might also qualify as criminal acts constituting animal cruelty or extreme animal cruelty under Section 30-18-1 NMSA 1978. Research that

indicated that animal cruelty often leads to child or domestic abuse supported the elevation of extreme animal cruelty to a fourth degree felony. This relationship is referred to as “The Link” between animal and human abuse. Further, AOC reports that Alaska recently enacted legislation that allows judges to include pets in domestic violence protection orders.

MD/sb