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FISCAL IMPACT REPORT

SPONSOR SHPAC LAST UPDATED _____
ORIGINAL DATE 3/13/2023
BILL CS/Senate Bill
SHORT TITLE Prohibit Dog Tethering NUMBER 429/SHPACS
ANALYST Gray

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Costs to County Jails	No fiscal impact	At least \$9.6 to \$19.2	At least \$9.6 to \$19.2	At least \$19.2 to \$38.4	Recurring	County General Funds

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)
Regulation and Licensing Department (RLD)
Board of Veterinary Medicine

SUMMARY

Synopsis of SHPAC Substitute for Senate Bill 429

The Senate Health and Public Affairs Committee Substitute for Senate bill 429 contemplates criminalizing the tethering of dogs for periods longer than three hours. A person who tethers a dog against the provisions of SB429 would be guilty of a misdemeanor.

The bill provides four exemptions if the tether is necessary for the safety of the dog for:

- Accepted veterinary practices;
- Legal dog sports;
- Research activities;
- Shepherding or herding activities for cattle or livestock;
- Agricultural activities; or
- Legal public events such as picnics.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

Incarceration drives costs in the criminal justice system, so any changes in the number of individuals in prison and jail and the length of time served in prison and jail that might result from this bill could have moderate fiscal impacts. The creation of any new misdemeanor offense will likely increase the population of New Mexico's jails, consequently increasing long-term costs to county general funds. LFC estimates a marginal cost (the cost per each additional inmate) of \$19.2 thousand per county jail inmate per year, based on incarceration costs at the Metropolitan Detention Center. SB429 is anticipated to increase the state's jail population.

The proposed new crime of dog tethering is a misdemeanor, punishable by up to a year in jail; for purposes of this analysis, it is estimated an individual could spend between six months and one year incarcerated for this offense. Based on the marginal cost of each additional inmate in New Mexico's jail system, each offender sentenced to jail for this crime could result in estimated increased costs of \$9,614 to \$19.2 thousand to counties.

It is difficult to estimate how many individuals will be charged, convicted, or get time in prison or jail based on the creation of a new crime. Without additional information, this analysis assumes at least one person will be admitted to jail each year for this crime, a cost of \$9,614 to \$19.2 thousand. To account for time to adjudication, these costs are not anticipated to be incurred until one year after the bill takes effect, in FY25; however, a minimal cost may apply in FY24 for individuals who are detained for some period of time prior to adjudication.

SIGNIFICANT ISSUES

Criminalizing nonviolent behavior is associated with racial disparities and has an oversized impact on the poor. Research suggests a link between gentrification—a broad term used to describe the movement of higher-income people into traditionally lower-income areas—and criminalization of existing neighborhood practices. These are often reflected by so-called quality-of-life complaints, like noise complaints. Studies have identified that gentrifying neighborhoods have higher rates of quality-of-life complaints, and at least one study has asserted that these complaints are often associated with higher police activity and enforcement of misdemeanor offenses.

The criminalization of dog tethering may result in new criminal enforcement against individuals who would not have otherwise interacted with the justice system, or it may serve as a means to toughen penalties for the mistreatment of animals against individual who would have otherwise interacted with the justice system under existing statute.

BG/rl/ne/rl