

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 1-25-09

SPONSOR Lundstrom LAST UPDATED _____ HB 82

SHORT TITLE Intentionally Starving Animals to Death SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB159

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Administrative Office of the District Attorneys (AODA)
 Public Defender Department (PDD)
 Department of Game and Fish (DGF)
 Corrections Department (NMCD)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 82 simply adds "malicious or intentional" "starvation or dehydration" to the current definitions of conduct that constitute criminal extreme cruelty to animals. NMSA 1978, § 30-18-1 (E).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB159, which expands cruelty to animals to include additional means by which this statute may be violated including leaving an animal unattended and confined within a motor vehicle when physical injury is likely to result.

TECHNICAL ISSUES

The Attorney General’s Office notes that HB 159 amends the same section but with different substantive changes. For example, it does not include “shelter” or the equivalent in the definition of sustenance which is commonly found in similar statutes in other states. *See* Texas: V.T.C.A. § 42.09 (a) (7); Colorado: C.R.S.A. § 18-9-202 (4); Arizona: A.R.S.A. 13-2910 (H) (3); Idaho: I.C. § 25-3502 (1); Utah: 76-9-301 (1) (g) (i).

It also adds that it does not utilize a criminal negligence standard as a third possible *mens rea*.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

It is likely, according to the district attorneys, that the same conduct as outlawed in this amendment would continue to be prosecuted under the existing statute but it could be done by way of this amendment with greater specificity. It would also put potential offenders on notice as to their continuing responsibility to feed animals under their care.

EO/mt