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FISCAL IMPACT REPORT

ORIGINAL DATE 2/9/15

SPONSOR Louis **LAST UPDATED** _____ **HB** 300

SHORT TITLE Interference With Zoo Animals and Cruelty **SB** _____

ANALYST A. Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Agriculture (NMDA)

Department of Game and Fish (DGF)

SUMMARY

Synopsis of Bill

House Bill 300 adds a new section to the Criminal Code providing for a penalty for interfering with a zoo animal and amends the definition of “animal” as it relates to the crimes of cruelty to animals and extreme cruelty to animals, provides definitions for zoo and animal enclosure or habitat and articulates what interference with a zoo animal includes. HB 300 also amends the definition in Section 30-18-1 NMSA 1978 of animal to include reptiles if the reptile is a zoo animal and adds a definition for zoo and zoo animal.

FISCAL IMPLICATIONS

None noted

SIGNIFICANT ISSUES

EMNRD reports that the Living Desert Zoo and Gardens State Park (Park) in Carlsbad has experienced incidents when visitors interfered with zoo animals, in this case more than 60 species of animals native to the Chihuahuan Desert, sometimes resulting in injury to the visitor or the animal. Absent a law that specifically addresses these incidents as HB 300 does, local law enforcement has had to look to general conduct violations for these incidents. Furthermore, HB

300 provides for the inclusion of a reptile as a zoo animal in 30-18-1 NMSA 1978, which applies to the Park's numerous reptile exhibits.

In light of the recent incident at the Albuquerque Biopark, there is a need to address the issue of prosecuting unauthorized individuals who enter containment facilities, i.e., jump fences, etc., usually after normal zoo hours.

TECHNICAL ISSUES

The Department of Agriculture points out that Section 30-18-1 C., defines "lawful justification" as it pertains to Section 30-18-1 B., which defines cruelty to animals consists of a person negligently mistreating, injuring, killing without lawful justification or tormenting an animal. Section C does not address the fact that under the best of circumstances, when incorporating industry accepted protocols and techniques to capture, restrain, diagnose, and treat zoo animals, injuries and/or animal deaths may occur. Fortunately, these situations are rare but are always present when dealing with wild animals which zoo animals are. Therefore, "lawful justification" should include situations that may occur while performing standard capture, restraint, diagnostic, treatment, transportation, etc., techniques, thus protecting zoo personnel.

OTHER SUBSTANTIVE ISSUES

EMNRD opines that HB 300 would offer a substantial deterrent to potentially harmful incidents resulting in contact between a Park visitor and a zoo animal which provide the potential for transfer of disease from the animal to the person, or vice versa. If this is suspected, the zoo animal may have to be euthanized to determine if the person or other zoo animals are at risk for infection.

ABS/bb