



House of Representatives

General Assembly

File No. 11

February Session, 2016

Substitute House Bill No. 5147

House of Representatives, March 9, 2016

The Committee on Environment reported through REP. ALBIS of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT INCREASING THE MAXIMUM PENALTY FOR PERSONS CONVICTED OF SUBSEQUENT OFFENSES OF MALICIOUS AND INTENTIONAL ANIMAL CRUELTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 53-247 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (b) Any person who maliciously and intentionally maims, mutilates,
5 tortures, wounds or kills an animal shall, (1) for a first offense, be
6 guilty of a class D felony, and (2) for any subsequent offense, be guilty
7 of a class C felony. The provisions of this subsection shall not apply to
8 any licensed veterinarian while following accepted standards of
9 practice of the profession or to any person while following approved
10 methods of slaughter under section 22-272a, while performing medical
11 research as an employee of, student in or person associated with any
12 hospital, educational institution or laboratory, while following
13 generally accepted agricultural practices or while lawfully engaged in

14 the taking of wildlife.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	53-247(b)

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Resources of the General Fund	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential revenue gain by increasing the penalty for subsequent offenses of intentional animal cruelty. However, this change is anticipated to result in minimal or no revenue gain. In FY 15 there were 11 charges of intentional animal cruelty and in FY 14 there were 4 charges. No charges resulted in a conviction or fine revenue.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: *Judicial Department Offenses and Revenue Database*

OLR Bill Analysis**sHB 5147*****AN ACT INCREASING THE MAXIMUM PENALTY FOR PERSONS CONVICTED OF SUBSEQUENT OFFENSES OF MALICIOUS AND INTENTIONAL ANIMAL CRUELTY.*****SUMMARY:**

This bill increases the penalty, from a class D felony to a class C felony, for a subsequent offense of malicious and intentional animal cruelty (i.e., maliciously or intentionally maiming, mutilating, torturing, wounding, or killing an animal). A class C felony is punishable by imprisonment of one to 10 years, a fine of up to \$10,000, or both. A class D felony is punishable by imprisonment of up to five years, a fine of up to \$5,000, or both.

Under existing law, unchanged by the bill, a first offense of malicious and intentional animal cruelty is a class D felony and specified people are exempt from this crime (see BACKGROUND). Certain other animal cruelty offenses, including failing to provide proper care, food, and water to animals, are punishable by imprisonment of up to one year, a fine of up to \$1,000, or both for a first offense. A subsequent offense is a class D felony (CGS § 53-247(a)).

By law, anyone charged with a class C felony is ineligible for existing law's accelerated rehabilitation program, a pretrial diversionary program for certain criminal defendants, unless good cause is shown (CGS § 54-56e(c)(5)) (see BACKGROUND).

EFFECTIVE DATE: October 1, 2016

BACKGROUND***Exemptions from Malicious and Intentional Animal Cruelty***

The law exempts from the malicious and intentional animal cruelty

statute, anyone who is:

1. a licensed veterinarian following accepted standards of practice;
2. following statutorily approved methods of slaughter;
3. performing medical research as an employee, student, or person associated with a hospital, educational institution, or laboratory;
4. following generally accepted agricultural practices; or
5. lawfully taking wildlife (CGS § 53-247(b)).

Accelerated Rehabilitation (AR)

AR is a program that allows certain criminal defendants to avoid prosecution and incarceration if successfully completed before trial. Judges have discretion to allow a defendant to participate in AR if he or she is charged with certain nonserious crimes or motor vehicle violations and does not have a prior conviction of a crime or certain motor vehicle violations. A defendant who is a veteran can use AR twice; others can only use it a second time under certain circumstances. Defendants who successfully complete AR have their charges dismissed. A defendant who does not complete AR is brought to trial (CGS § 54-56e).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (02/24/2016)