

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 495

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: MAY 24, 2012

SUMMARY

Synopsis: Creates crime of threatening the life of certain animals; designated as Dano's law.

Type of Impact: General Fund Expenditure

Agencies Affected: Judiciary

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|----------------------|------------------------------------|----------------------|----------------------|
| State Cost | Indeterminate – See comments below | | |

- In a fiscal note for a prior legislative session, the Administrative Office of the Courts (AOC) stated that this is a completely new crime and the Judiciary lacks a basis or historical data from which to project the impact of this legislation. Consequently, the Judiciary is unable to provide a reliable estimate as to the fiscal impact of the legislation.
- The Office of Legislative Services (OLS) **concurs** with the Executive estimate from the prior session and notes that there is a presumption of non-incarceration for first time offenders of third degree offenses.
- The bill upgrades the offense of purposely maiming or otherwise inflicting harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog from a fourth degree crime to a third degree crime.
- The bill adds to the current law a provision stating that a person who purposely threatens to kill, maim or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the third degree.

BILL DESCRIPTION

Assembly Bill No. 495 (1R) of 2012 amends N.J.S.A.2C:29-3.1, the statute which sets forth penalties for killing, maiming or inflicting harm upon, or interfering with an animal owned or used by a law enforcement agency or a search and rescue dog.

Currently, this law provides that any person who: (1) purposely kills an animal owned or used by a law enforcement agency or a search and rescue dog is guilty of a crime of the third degree; (2) purposely maims or otherwise inflicts harm upon an animal owned or used by a law enforcement agency or a search and rescue dog is guilty of a crime of the fourth degree; or (3) interferes with any law enforcement officer using an animal in the performance of his official duties is guilty of a disorderly persons offense.

The bill upgrades the offense of purposely maiming or otherwise inflicting harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog from a fourth degree crime to a third degree crime. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. A third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The bill adds to the current law a provision stating that a person who purposely threatens to kill, maim or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the third degree.

FISCAL ANALYSIS

EXECUTIVE BRANCH

In a fiscal note for a prior legislative session, the AOC stated that according to data from the Judiciary's automated criminal case tracking system, PROMIS Gavel, during 2007 only three people were convicted of purposely killing or injuring a law enforcement animal pursuant to N.J.S.A. 2C:29-3.1. All three of those convictions were the result of a guilty plea. Over the past three calendar years, 2005 – 2007, only .72 percent of convictions for fourth degree crimes were the result of a jury trial. Generally, the number of convictions remains constant year to year.

The AOC noted that this is a completely new crime and the Judiciary lacks the basis or historical data from which to project the impact of this legislation. Consequently, the Judiciary is unable to provide a reliable estimate as to the fiscal impact of the legislation.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and notes that there is a presumption of non-incarceration for first time offenders of third degree offenses.

Section: *Judiciary*

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 Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).