

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Criminal Justice Committee

BILL: SB 558

SPONSOR: Senators Rich, Campbell, and others

SUBJECT: Cruelty to Animals

DATE: March 16, 2005

REVISED: 03/22/05

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Mayfield</u>	<u>Poole</u>	<u>AG</u>	<u>Favorable</u>
2.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
3.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
6.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

## Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

### I. Summary:

This bill amends the minimum mandatory fines and periods of incarceration for certain acts of cruelty to animals. It also defines the term “bovine animal” and makes the sport known as “bulltailing” a misdemeanor of the first degree. This bill also specifies that simulated or bloodless bullfighting would be a misdemeanor of the second degree.

This bill does not prohibit or restrict recognized rodeo and animal husbandry practices that are not otherwise prohibited by law.

This bill amends sections 828.12 and 828.121, Florida Statutes.

### II. Present Situation:

It has been reported that a sport known as “bulltailing” is being conducted in Florida. From information gathered, the activity consists of two horse mounted contestants chasing a bull up and down an oblong arena, competing to flip the animal over by using its tail.

Presently it is a misdemeanor without specification of degree to engage in a simulated or bloodless bullfight.

The current minimum mandatory fine for certain felony acts of cruelty to animals is \$2,500. Where the fact finder determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, the offender must also undergo psychological counseling or complete an anger management treatment program. A person convicted of a second felony offense is presently required to pay \$5,000 and serve a term of six months.

### **III. Effect of Proposed Changes:**

**Section 1.** Increases the minimum mandatory fine for certain felony acts of cruelty to animals to \$5,000 and establishes a minimum mandatory term of incarceration of six months.

This section of the bill also increases the minimum mandatory term of incarceration for the second felony offense of certain acts of cruelty to animals to ten months.

**Section 2.** Defines the term “bovine animal” to mean an animal of the subfamily bovine and includes but is not limited to, a steer, calf, bull, ox, heifer, or cow.

The bill bans a person from intentionally dragging or felling by the tail a bovine animal in an organized sports exhibition and makes a violation a misdemeanor of the first degree.

The bill clarifies that a violation of the prohibition against simulated or bloodless bullfighting exhibitions is a misdemeanor of the second degree.

This section specifically excludes rodeo and animal husbandry practices that are not otherwise prohibited by law.

**Section 3.** Provides that this act shall take effect July 1, 2005.

### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Although the Criminal Justice Impact Conference has not analyzed this bill, the prison bed impact should be insignificant. The Department of Corrections reported there were 18 admissions to prison on violations of s. 828.12, F.S., during FY 2002-2003.

**VI. Technical Deficiencies:**

It is suggested that the effective date of the bill be changed from July 1, 2005, to October 1, 2005, for continuity in the criminal law.

**VII. Related Issues:**

It should be noted that the offenses for which the bill either creates or increases minimum terms of incarceration are felony offenses, but because the specified terms are less than 12 months, the term of incarceration would likely be spent in the county jail rather than state prison. The offender may qualify for state prison by virtue of his or her Criminal Punishment Code "scoresheet," or because he or she is simultaneously sentenced on other felony offenses.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

### **Barcode 820324 by Criminal Justice:**

Changes the effective date from July 1, 2005, to October 1, 2005, to provide consistency within the criminal law.

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