

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: CS/SB 484

INTRODUCER: Criminal Justice Committee and Senators Rich, Campbell, and others

SUBJECT: Cruelty to Animals

DATE: March 22, 2006

REVISED: _____

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

I. Summary:

This bill amends certain minimum mandatory fines and periods of incarceration for certain acts of cruelty to animals that constitute felony offenses.

This bill substantially amends s. 828.12, Florida Statutes.

II. Present Situation:

Numerous researchers have reported that cruelty to animals is linked to violence against humans. Researchers report that the torture, maiming, or killing of animals is a precursor to more serious forms of violence. The number of cruelty to animals crimes reported to law enforcement officials in Florida has steadily increased over the past decade. Common crimes against animals include burning, mutilating, hanging, beating, and using in organized fights which can cause serious injury or death to the animals involved.

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 pay a minimum mandatory fine of \$2,500 and undergo psychological counseling or complete an anger management course. A person convicted of a second or subsequent felony offense is currently required to pay a minimum mandatory fine of \$5,000 and serve a mandatory period of incarceration of no less than six months. It should be noted that the maximum potential sentence on any felony animal cruelty offense is five years imprisonment and a \$10,000 fine.

III. Effect of Proposed Changes:

Section 1. Amends s. 828.12, F.S., to increase the minimum mandatory fine for certain felony acts of cruelty to animals from \$2,500 to \$4,000 and establishes a minimum mandatory term of incarceration of six months.

This section also increases the minimum mandatory fine for a person convicted of a second or subsequent felony offense of certain acts of cruelty to animals from \$5,000 to \$6,000 and increases the minimum mandatory period of incarceration from six months to ten months.

The bill specifies that the minimum mandatory incarceration shall be served day-for-day, with no form of early release, regardless of whether the time is served within the local county jail or detention facility, or in the custody of the Department of Corrections.

Section 2. Provides that this act shall take effect October 1, 2006.

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:

Individuals who are convicted of violating the felony cruelty to animals law are exposed to increased fines and periods of incarceration.

C. Government Sector Impact:

Although the Criminal Justice Impact Conference has not analyzed this bill, there is not much likelihood of anything more than an insignificant prison-bed impact. The Department of Corrections reported there were 18 admissions on violations of s. 828.12, F.S., during FY 2002-2003.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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