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H.B. 33
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the House

Primary Sponsors: Reps. Lanese and Carruthers

Local Impact Statement Procedure Required: No

Jessica Murphy, Budget Analyst

Highlights

- There is likely to be no discernible ongoing fiscal effect in situations where the mandatory reporter is employed by a state or local governmental entity, as this duty can be easily incorporated into day-to-day operations.
- County public children services agencies and departments of job and family services are likely to incur some costs to investigate animal abuse reports, the cost of which will depend on the number and scope of investigations.
- It is expected that each type of professional, as defined in the bill, generally will perform their duty in good faith and that criminal and civil violations of the bill's prohibition will be relatively infrequent. This suggests that there will be no discernible ongoing annual fiscal effects on the state and political subdivisions.

Detailed Analysis

Animal abuse reporting

The bill requires a licensed veterinarian, social service professional, and any other person licensed as a counselor, social worker, or marriage and family therapist to immediately report abuse of a companion animal (orally or in writing) to a local animal control officer. This requirement should have no discernible ongoing fiscal effect in situations where the mandatory reporter is employed by a state or local governmental entity, as this duty can be easily incorporated into day-to-day operations. This provision might result in additional investigations

being conducted by a local animal control officer. However, it is possible that some of these individuals, particularly veterinarians, currently report this information.¹

The bill also requires officers (including dog wardens and deputy dog wardens), under certain specified circumstances that include a child or older adult residing with the alleged violator, to report companion animal abuse (orally or in writing) to an employee of a county public children services agency or county department of job and family services. This requirement should have no discernible ongoing fiscal effect in situations where the mandatory reporter is employed by a county, as this duty can be easily incorporated into day-to-day operations. As a result, these county entities are likely to incur some costs to investigate these reports, the cost of which will depend on the number and scope of investigations.

Criminal penalty

The bill specifies that knowingly filing a false report is a fourth degree misdemeanor, a violation of which carries a possible jail term of not more than 30 days, a fine of up to \$250, or both. It is expected that mandatory reporters generally will perform their duty in good faith and violations of this prohibition will be relatively infrequent. This suggests that there will be no discernible ongoing annual fiscal effects on the state and political subdivisions.

Civil penalty

The bill permits the filing of a civil action in which it is alleged that participation in the making of a required report was not in good faith. The court is required to award reasonable attorney's fees and costs to the prevailing party. If the action or proceeding is voluntarily dismissed, the court is permitted to award reasonable attorney's fees and costs to the party against whom the allegation was made. Such filings are likely to be infrequent, which suggests that there will be no discernible ongoing annual fiscal effects on the affected state and local governmental entities.

The bill creates separate enforcement schemes for reporting violations for each type of professional required to make reports.² Those schemes are to be implemented by the appropriate board or employer, and generally include one or both of the following: a confidential warning or a civil penalty of \$100 or \$500. It is expected that mandatory reporters generally will perform their duty in good faith and that violations will be relatively infrequent. This suggests that there will be no discernible ongoing annual fiscal effects on the affected state and local governmental entities.

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¹ The American Veterinary Medical Foundation considers it a veterinarian's responsibility to report animal abuse or neglect regardless of whether the reporting is mandated by law or not.

² These reporters include: (1) licensed veterinarians, (2) persons licensed under the law governing counselors, social workers, and marriage and family therapists, (3) officers, dog wardens, and deputy dog wardens, and (4) social service professionals.