

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 583 CS Police Dogs, Fire Dogs, SAR Dogs, and Police Horses
SPONSOR(S): Antone; Allen; Bullard; Cannon; Kravitz
TIED BILLS: none **IDEN./SIM. BILLS:** SB 1020, 1st Eng.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	7 Y, 0 N	Bond	Kramer
2) Justice Appropriations Committee	11 Y, 0 N, w/CS	Burns	DeBeaugrine
3) Justice Council	9 Y, 0 N	Bond	De La Paz
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Current law provides that it is a felony to knowingly and willfully inflict bodily harm, permanent disability, or death upon a police dog, fire dog, SAR dog (search and rescue), or police horse, without lawful cause or justification.

This bill requires great bodily harm, rather than just any bodily harm, for commission of the felony, and adds two new misdemeanors. This bill makes it a first degree misdemeanor to touch, strike, or cause bodily harm to a police dog, fire dog, SAR dog, or police horse; and makes it a second degree misdemeanor to harass, tease, interfere with, or attempt to interfere with a police dog, fire dog, SAR dog, or police horse while the animal is in the performance of its duties.

The Criminal Justice Estimating Conference estimates that this bill will have an insignificant prison bed impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility -- This bill creates new criminal offenses, and requires restitution to victims.

B. EFFECT OF PROPOSED CHANGES:

Section 843.19, F.S., provides that it is a third degree felony for any person to knowingly and willfully and without lawful cause or justification inflict bodily harm, permanent disability, or death upon a police dog, fire dog, SAR dog, or police horse. This felony is a Level 3 offense on the Offense Severity Ranking Chart. Section 843.19, F.S., provides the following definitions:

- A "police dog" is any dog, and "police horse" is any horse, that is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.
- A "fire dog" is any dog that is owned, or the service of which is employed, by a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of flammable materials or the investigation of fires.
- An "SAR dog" is any search and rescue dog that is owned, or the service of which is utilized, by a fire department, a law enforcement agency, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of missing persons, including, but not limited to, persons who are lost, who are trapped under debris as the result of a natural, manmade, or technological disaster, or who are drowning victims.

Effect of Bill

This bill amends s. 843.19, F.S., to change the felony offense therein to provide that it is a third degree felony for any person to intentionally and knowingly cause great bodily harm, permanent disability, or death to, or use a deadly weapon upon, any police dog, fire dog, SAR dog, or police horse. This changes the current felony offense by:

- Changing the requirement that the action must be willful to a requirement that the action must be intentional.
- Changing the requirement that the action inflicts bodily harm to the animal to a requirement that the action cause great bodily harm to the animal.
- Adding an additional offense of using a deadly weapon upon such animals, regardless of harm.

This bill creates a first degree misdemeanor offense. The offense is committed by any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police dog, fire dog, SAR dog, or police horse. A first degree misdemeanor is punishable by up to one year in county jail and a fine of up to \$1,000.

This bill creates a second degree misdemeanor offense. The offense is committed by any person who harasses, teases, interferes with, or attempts to interfere with a police dog, fire dog, SAR dog, or police horse while the animal is in the performance of its duties. A second degree misdemeanor is punishable by up to 90 days in county jail and a fine of up to \$500.

This bill also requires that a person convicted of any of these offenses must pay restitution for injuries, and must pay the replacement cost of the animal if the animal can no longer perform its duties.

C. SECTION DIRECTORY:

Section 1 amends s. 843.19, F.S., regarding offenses against police, fire, and rescue dogs and police horses.

Section 2 provides an effective date of October 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill creates a new misdemeanor offense which could result in increased fine collections. Since surplus funds collected by the clerks of court are transferred to the state, there could be an indeterminate impact on state revenue which is expected to be insignificant. (see fiscal comments)

2. Expenditures:

The Criminal Justice Estimating Conference estimates that this bill will have an insignificant prison bed impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Local clerks of court may experience increased fine collections from violations of new misdemeanor offenses established in the bill. The impact is indeterminate, but not expected to be significant. (see fiscal comments)

2. Expenditures:

Insignificant. It is unlikely that there will be significant new misdemeanor prosecutions as a result of this bill. (see fiscal comments)

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

According to data presented at a Criminal Justice Impact Conference, there were two arrests for injuring a police dog under existing law during the last year for which data are available.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill would require counties to expend funds associated with enforcing new misdemeanor offenses. Even if the required expenditures were to exceed the threshold used by the Legislature to determine significance, the bill would appear to be exempt since it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 11, 2005, the Justice Appropriations Committee adopted two amendments conforming the bill to the Senate companion. The first amendment changed the effective date from July 1, 2005, to October 1, 2005. The second amendment restored the bill to current law on one point, reinstating the exception for actions done with lawful cause or justification. The bill was then reported favorably with a committee substitute.