

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 563 CS Juvenile Animal Cruelty
SPONSOR(S): Culp
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Juvenile Justice Committee	4 Y, 0 N, w/CS	White	White
2) Governmental Operations Committee			
3) Criminal Justice Appropriations Committee			
4) Justice Council			
5)			

SUMMARY ANALYSIS

The bill provides legislative findings indicating: (a) that multiple research studies have found statistically significant correlations between juvenile acts of animal cruelty by juveniles and violent behavior against persons; and (b) that it is critical for the protection of society that the Department of Juvenile Justice (the Department) provide programs that will rehabilitate juvenile animal cruelty offenders and halt further antisocial conduct.

The bill creates the Task Force on Juvenile Cruelty to Animals (Task Force) within the Department. The Task Force's duties include:

- Profiling the delinquency and criminal histories of Florida juveniles who have committed a criminal act of animal cruelty.
- Summarizing the Department's methods for identifying juveniles who have a noncriminal history of engaging in acts of animal cruelty.
- Identifying and reviewing the Department's practices and programs for the treatment and rehabilitation of juvenile animal cruelty offenders.
- Reviewing and summarizing current research regarding juvenile animal cruelty offenders and best practices in other jurisdictions for the treatment of these offenders.
- Recommending improvements for the assessment, treatment, and rehabilitation of juvenile animal cruelty offenders by the Department.

The Task Force is required to report its findings and recommendations to the Legislature and the Governor by January 1, 2007.

The potential fiscal impact of this bill, as projected by the Department, is \$29,482; however, this amount may be substantially less if the Department recruits members for the Task Force who reside locally. See Section II., A. "Fiscal Impact on State Government," *infra*.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill creates the Task Force on Juvenile Cruelty to Animals within the Department.

B. EFFECT OF PROPOSED CHANGES:

Juvenile Animal Cruelty Research: Multiple studies have found statistically significant correlations between acts of animal cruelty committed by juveniles and acts of violent behavior against persons. For example, the Florida Senate Criminal Justice Committee in its report entitled, "The Connection Between Domestic Violence, Child Abuse and Cruelty to Animals," noted:

Childhood cruelty to animals has been linked to adult criminal behavior in studies reviewed and summarized by Professor Ascione. The results of these studies indicate childhood or adolescent histories of animal cruelty in:

- 25% of aggressive male prison inmates
- 30% of convicted child molesters
- 36% of assaultive women offenders
- 46% of incarcerated sexual homicide perpetrators
- 48% of convicted rapists. . . .¹

Further, in 2001, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued a report entitled, "Animal Abuse and Youth Violence," in which it was concluded after a review of six studies that, "Taken together, these studies suggest that animal abuse may be characteristic of the developmental histories of between one in four and nearly two in three violent adult offenders."² And most recently, a 2003 study published in the book, "Animal Cruelty: Pathway to Violence Against People,"³ found that adult violent offenders are significantly more likely than nonviolent offenders to have abused pets and stray animals during their childhood.⁴

The OJJDP report notes that juvenile acts of animal abuse are often underreported because historically these acts have not been systematically monitored in national crime reporting systems.⁵ In recent years, however, assessment instruments that identify juvenile delinquents with a history of animal abuse have been developed and are being implemented in Florida and in other states.

Further, the OJJDP report and other studies indicate that early intervention is imperative to ensuring that juvenile animal abusers do not continue on a path of violent behavior; however, formal protocols for the treatment of juvenile animal abusers have only recently begun to emerge. These protocols include animal-assisted therapy wherein juveniles are trained to care for and interact in a nurturing manner with animals in order to reduce propensities for aggression and violence. The OJJDP report states, "Developing a sense of empathy for animals is assumed to be a bridge to greater empathy for fellow human beings, making violence toward them less likely."⁶

¹ *The Connection Between Domestic Violence, Child Abuse and Cruelty to Animals*, Florida Senate Criminal Justice Committee, Interim Project Report 2005-125, November 2004, p. 4.

² *Animal Abuse and Youth Violence*, Office of Juvenile Justice and Delinquency Prevention, September 2001, pp. 3-4.

³ *Animal Cruelty: Pathway to Violence Against People*, Linda Merz-Perez and Kathleen M. Heide, Ph.D., AltaMira Press, 2004.

⁴ *USF Study Finds Childhood Animal Cruelty is [an] Indicator for Violent Offenders*, News at University of South Florida, Michelle Cobas, March 1, 2003.

⁵ *Animal Abuse and Youth Violence* at pp. 2-3.

⁶ *Id.* at pp. 10-11; *USF Study Finds Childhood Animal Cruelty is [an] Indicator for Violent Offenders* at pp. 10-11.

Juvenile Animal Cruelty in Florida: Section 828.12, F.S.,⁷ criminalizes animal cruelty in Florida. Statistics provided by the Department indicate that between Fiscal Years (FYs) 2001 and 2005, there were a total of 303 juvenile delinquency referrals for violations of s. 828.12, F.S., which were based upon juvenile acts causing pain and suffering or death to animals.

Regarding these statistics, the Department states in its bill analysis that:

Very few youth are referred annually to the Department for animal cruelty; however, animal cruelty is often a hidden, covert behavior and the research suggests that it is far more prevalent among the youth the Department serves than referral numbers would suggest.⁸

In October 2005, the Department adopted a new screening tool, referred to as the Positive Achievement Change Tool (PACT), for juvenile probation officers to use in assessing and identifying the needs of youth referred to the Department who are at risk of recidivism. One of the recidivism indicators scored by the PACT is whether the juvenile has a history of animal cruelty that has not been reported in the juvenile's delinquency history. Accordingly, the PACT should assist the Department in identifying juvenile animal cruelty offenders who are referred to it for delinquent acts other than a violation of s. 828.12, F.S.

Effect of Bill: The bill provides legislative findings indicating: (a) that multiple research studies have found statistically significant correlations between acts of animal cruelty by juveniles and violent behavior against persons; and (b) that it is critical for the protection of society that the Department provide programs that will rehabilitate juvenile animal cruelty offenders and halt further antisocial conduct. The term "juvenile animal cruelty offender" is defined by the bill to mean, "a juvenile referred to the department who has violated s. 828.12, Florida Statutes, or who otherwise has a history of engaging in one or more acts of animal cruelty."

The bill creates the Task Force on Juvenile Animal Cruelty, which may consist of up to twelve members appointed by the Secretary of the Department.⁹ The Task Force is directed to submit a report by January 1, 2007, to the Legislature and the Governor that includes, but is not limited to the following findings and recommendations:

- *Findings -- identification of animal cruelty statutes; a profile of the dispositions for, and the delinquency and criminal histories of, youth who have violated s. 828.12, F.S., between FYs 2001 and 2006; a summary of the department's methods for identifying juvenile animal cruelty offenders referred to the Department for delinquent acts other than a violation of 828.12, F.S.; identification of the department's practices, procedures, and programs for the treatment and rehabilitation of juvenile animal cruelty offenders; a summary of research regarding juvenile animal cruelty offenders; and identification of best and evidence-based practices and model programs used in other jurisdictions to treat and rehabilitate juvenile animal cruelty offenders.*
- *Recommendations -- identification of methods to assess the needs of juvenile animal cruelty offenders, treatment programs for the rehabilitation of such offenders, service delivery mechanisms to ensure that treatment programs are available statewide, and funding needs for such programming.*

⁷ Section 828.12, F.S., provides that it is: (1) a first degree misdemeanor for a person to unnecessarily overload, overdrive, torment, deprive of necessary sustenance or shelter, or unnecessarily mutilate, or kill any animal; and (2) a third degree felony for a person to commit an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering. The section further provides that a person convicted of third degree felony animal cruelty must undergo psychological counseling or complete an anger management treatment program if his or her violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal.

⁸ Bill analysis for HB 563, Department of Juvenile Justice, p. 1.

⁹ The bill specifies that membership of the task force must include, but is not limited to: (a) three persons who collectively have experience with the conduct of juvenile animal cruelty research and with the treatment and rehabilitation of juvenile animal cruelty offenders; two Department employees who collectively are responsible for research and planning and delinquency prevention and treatment programming; and two representatives of providers of juvenile delinquency prevention, treatment, and rehabilitation services.

The bill further specifies that the Department shall provide administrative support for the Task Force; that members of the Task Force are entitled to travel and per diem reimbursement in accordance with s. 112.061, F.S.; and that the Task Force is dissolved upon completion of its duties.

The bill takes effect on July 1, 2006.

C. SECTION DIRECTORY:

Section 1. Creates the Task Force on Juvenile Cruelty to Animals within the Department; provides definitions; provides powers and duties; specifies membership; requires a report; provides for administrative support and travel reimbursement; provides for dissolution of the task force upon completion of its duties.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Based on its recent experience in administering the Task Force on Juvenile Sexual Offenders and their Victims,¹⁰ the Department estimates the following fiscal impacts for the Task Force created by this bill:

- \$9,482 to hire a part-time OPS professional staff person to perform administrative, research, and writing duties for the Task Force. This figure is based upon the Task Force's 22-week duration, 20 hours per week, an hourly salary of \$20.00, and 7.75% for F.I.C.A.
- Up to \$20,000 for travel and per diem reimbursement. The Department anticipates that five meetings will be required for the Task Force. Further, the Department estimates that up to six members of the Task Force may be from outside of the Tallahassee area. These members would be entitled to travel and per diem reimbursement under the bill. According to the Department, such reimbursement may average as much as \$666.00 per member per meeting.

Thus, the total potential fiscal impact of this bill, as estimated by the Department, is \$29,482; however, the Department indicates that this fiscal Impact could be significantly less if members of the Task Force reside in Tallahassee. The Department expects that it will be able to recruit qualified local members for the Task Force from Tallahassee's universities and state government.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

¹⁰ See Chapter 2005-263, s. 10 (creating the Task Force on Juvenile Sexual Offenders and their Victims within the Department).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Juvenile Justice Committee adopted one amendment to the bill, which defined the terms “department” and “juvenile animal cruelty offender” and which specified that the Task Force must make findings regarding the Department’s methods for identifying juvenile animal cruelty offenders who are referred to the Department for delinquent acts other than a violation of s. 828.12, F.S.