

<b>LFC Requester:</b>	
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**AGENCY BILL ANALYSIS  
2019 REGULAR SESSION**

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** Jan. 18, 2019  
**Bill No:** HB52

**Sponsor:** Joanne J. Ferrary  
**Short Title:** Harm to Companion Animals as Domestic Abuse

**Agency Code:** 264  
**Person Writing** Gail MacQuesten  
**Phone:** 505 466-0532 **Email** gailmacquesten@gmail.com

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
0	0	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
0	0	0	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	0	0	0	0	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

HB52 amends the definition section of the Family Violence Protection Act, Section 40-13-2 NMSA 1978, to include the following in the definition of domestic abuse:

An incident by a household member consisting of or resulting in the act or threat of:

- (a) intentionally or maliciously torturing, mutilating, injuring or poisoning a companion animal; or
- (b) maliciously killing a companion animal.

Acts of domestic abuse provide a basis for petitioning the court for an order of protection under the Act.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

There are no direct fiscal implications for the district attorneys.

#### **SIGNIFICANT ISSUES**

An abuser can exploit the bond between a victim and a companion animal to exert dominance and control. Harm or the threat of harm to a companion animal can deter a victim from leaving an abusive situation.

HB52 recognizes that harm or threat of harm to a companion animal can be a form of domestic abuse, and can be the basis for petitioning the court for an order of protection.

HB52 does not define “companion animal,” and does not specify that the companion animal belong to the victim. It is possible that under HB52, threatening to harm someone else’s companion animal could be used by the victim as a basis for petitioning for a protective order. (That may be the drafter’s intent: threatening to harm, or harming, an animal, especially a pet,

even if it is someone else's animal, is still a powerful demonstration of dominance and control.)

HB52 does not require that the harm or threat of harm be done with the intent to exert dominance or control over the victim. (Again, that may be the drafter's intent.)

Note that HB52 does not make the harm or threat of harm a criminal act. (Actual harm may be prosecuted as cruelty to animals under Section 30-18-1 NMSA 1978.) If the court issues a protective order, it could contain provisions regarding treatment of the companion animal, and a violation of the order would then be a criminal act. See Section 40-13-6 NMSA 1978.

## **PERFORMANCE IMPLICATIONS**

See Significant Issues, above.

## **ADMINISTRATIVE IMPLICATIONS**

None, for the district attorneys.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None found.

## **TECHNICAL ISSUES**

"Companion animal" is not defined.

## **OTHER SUBSTANTIVE ISSUES**

None noted.

## **ALTERNATIVES**

None proposed.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The Family Violence Protection Act will not recognize harm or threatened harm to companion animals as a form of domestic abuse.

## **AMENDMENTS**

None proposed.