

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2583

As Amended by Senate Committee on Judiciary

Brief*

HB 2583, as amended, would amend the crime of inflicting harm, disability, or death to certain law enforcement animals to include police horses, increase penalties for inflicting harm that results in disability or death to these animals, and specify the restitution that would be available for a violation of the crime.

Inflicting Harm, Disability or Death to Certain Law Enforcement Animals

Current law defines inflicting harm, disability, or death to specified law enforcement and assistance dogs as knowingly, and without lawful cause or justification, poisoning, inflicting great bodily harm, permanent disability, or death. The bill would add police horses to the list of specified animals that would be covered under the crime.

Continuing law provides the crime is classified as a nongrid, nonperson felony with a mandatory minimum prison sentence of 30 days and up to one year of imprisonment, and a fine between \$500 and \$5,000. The bill would remove a requirement that the offender have a psychological evaluation during the mandatory prison sentence and be ordered to complete an anger management program as a condition of probation when an offender is convicted of a nongrid, nonperson felony violation of the crime.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Increased Penalties for Inflicting Harm Resulting in Disability or Death

The bill would provide that inflicting harm that results in disability or death of a specified animal, with the exception of assistance dogs, would be classified as a severity level 4, nonperson felony, with a penalty of:

- Mandatory 90 days imprisonment;
 - A requirement that 90 days imprisonment be served before the person is eligible for release on probation, suspension, or reduction of sentence or parole;
- A minimum fine of \$10,000; and
- During the mandatory imprisonment period, completion of:
 - A psychological evaluation; and
 - Completion of an anger management program as a condition of probation.

The crime would be classified as a severity level 3, nonperson felony, with the same penalty described above, when the crime is committed while:

- Fleeing or attempting to elude a police officer;
- Interfering with law enforcement;
- Escaping from custody; or
- Committing an aggravated escape from custody offense.

Restitution

The bill would require restitution ordered for the crime to include:

- Costs of veterinary medical treatment;
- Reasonable funeral and burial expenses; and
- Replacement costs of the police dog, arson dog, assistance dog, game warden dog, search and rescue dog, or police horse, to include:
 - Training costs;
 - Personnel expenses; and
 - Costs associated with boarding the animal during training.

The bill would also make technical amendments in this section to ensure consistency in statutory phrasing.

Definitions

Current law defines “police dog” to mean any dog owned or 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. The bill would amend this definition to mean any dog that is owned, or the service of which is employed, by a law enforcement agency.

The bill would also add a definition of “police horse,” to mean any horse that is owned by, or the service of which is employed by, a law enforcement agency.

Background

The bill was introduced by Representatives Hawkins and Owens.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing, **proponent** testimony was provided by a representative of the Kansas Association of Chiefs of Police and the Kansas Sheriffs Association and by two representatives of the Kansas State Lodge Fraternal Order of Police. The proponents generally stated that these animals cost tens of thousands of dollars to purchase and train and these animals are not only tools, they are also considered family.

No other testimony was provided.

The House Committee amended the bill to:

- Remove assistance dogs from the increased penalties;
- Specify penalties for harm to assistance dogs to be the same as for non-grid nonperson penalties under the bill; and
- Specify items to be included when calculating the replacement cost of an animal.

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by: Representative Johnson; a representative of the Johnson County Sheriff's Office; a representative of the Kansas Association of Chiefs of Police and Kansas Sheriffs Association; a representative of the Kansas Peace Officers Association; and three representatives of the Kansas State Lodge Fraternal Order of Police. Proponents generally agreed that the current penalty for killing a law enforcement animal is too lenient.

Written-only opponent testimony was provided by a representative of the National Police Accountability Project.

No other testimony was provided.

The Senate Committee amended the bill to modify the definitions of “police dog” and “police horse” and to reorganize the bill’s language to account for the increased penalties created by the bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board of Indigents’ Defense Services indicates the bill could increase agency expenditures on legal counsel and support staff by \$1,834 to \$2,640 for each severity level 4 felony, and \$5,335 to \$7,680 for each severity level 3 felony.

The Judicial Branch indicates the bill would not have an effect on agency operations; however, increased fines would be deposited into the State General Fund and other funds. The Department of Corrections indicates the bill may cause a negligible increase in operating expenditures.

According to the Prison Bed Impact Statement prepared by the Sentencing Commission on the bill, as introduced, enactment of the bill may increase prison admissions and beds, but any increase would be very small. The Commission further indicated the bill would have no impact on the workload of the Commission.

Any fiscal effect associated with the enactment of the bill is not reflected in *The FY 2025 Governor’s Budget Report*.

Police animals; restitution; sentencing; assistance dogs; infliction of harm