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H.B. 33
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the Senate

Primary Sponsors: Reps. Lanese and Carruthers

Local Impact Statement Procedure Required: No

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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

Child abuse reporting

The bill's expansion of an existing mandatory child abuse or neglect reporting requirement so that it applies to dog wardens, deputy dog wardens, and other persons appointed to act as an animal control officer may generate additional cases to be investigated by county public children services agencies (PCSAs). Any related annual costs for a PCSA depend on the number of investigations and subsequent protective actions. Since the existing list of mandatory reporters of child abuse or neglect includes law enforcement officers and humane society agents who may be, in some cases, designated to act as a dog warden or deputy dog warden, the number of additional reports and subsequent costs to PCSAs will likely be minimal.

Under current law, unchanged by the bill, a violation of the mandatory reporting requirement generally is a misdemeanor of the fourth degree. It is expected that individuals

acting in this professional capacity will largely comply with the mandatory reporting requirement, which means that violations will be infrequent. Thus, there will be no discernible ongoing fiscal effects on counties and municipalities in terms of their annual costs to prosecute and sanction violators or the collection of related revenues (fines and court costs and fees).

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 law enforcement officer, humane society agent, or animal control-type professional (“officers”). 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, as well as dog wardens and deputy dog wardens, to report companion animal abuse (orally or in writing) to an employee of a PCSA or county department of job and family services when a child or older adult resides with the alleged abuser and certain conditions are met. 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.

Enforcement

The bill prohibits a person required to report animal abuse from knowingly making a false report and, if it is determined that a violation occurred, may face civil or criminal liabilities, including reasonable attorney’s fees and costs. Under the bill, 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 local governments.

The bill creates separate enforcement schemes for each type of professional required to report animal abuse.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. All civil penalties will be deposited into the Occupational Licensing

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) social service professionals, (3) persons licensed under the law governing counselors, social workers, and marriage and family therapists, and (4) officers, dog wardens, and deputy dog wardens.

Fund (Fund 4K90), which serves as an operating fund for various state boards and commissions including those affected by the bill. 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 state and local governments with oversight over those required to report animal abuse.