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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 7, 2024
Subject: Bill Brief for HB 2583

House Bill 2583, As Amended by House Committee, increases the criminal penalties for harming or killing certain dogs and horses and requires restitution for such offense to include certain expenses.

Section 1 amends K.S.A. 21-6416, the crime of inflicting harm, disability or death to a police dog, arson dog, assistance dog, game warden dog or search and rescue dog. The crime is amended to include police horses. The current penalty for violation of the offense is a nongrid, nonperson felony with a sentence of not less than 30 days nor more than one year's imprisonment and a fine of not less than \$500 nor more than \$5,000. The person is also required to have a psychological evaluation prepared to assist the court in determining conditions of probation, and the person must complete an anger management program.

The House Committee on Corrections and Juvenile Justice amended the bill to provide that this penalty will remain the same for any harm to an assistance dog. The bill also provides that this penalty will remain the same for harm that does not result in disability or death to a police dog, arson dog, game warden dog, search and rescue dog, or police horse. For harm that results in disability or death to a police dog, arson dog, game warden dog, search and rescue dog, or police horse, the penalty would be a severity level 4, nonperson felony. For harm that results in disability or death to a police dog, arson dog, game warden dog, search and rescue dog, or police horse during the commission of fleeing or attempting to elude a police officer, interference with law enforcement, or escape or aggravated escape from custody, the penalty would be a severity level 3, nonperson felony. For these specific offenses, in addition to the sentence provided in the sentencing grid, there would be a mandatory minimum term of 90 days of imprisonment imposed

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and a mandatory minimum fine of \$10,000. The person would also be subject to the psychological evaluation and anger management program described above.

Section 2 amends K.S.A. 21-6604, the Kansas criminal code statute that provides for restitution. The bill provides that for a violation of K.S.A. 21-6416, restitution shall include the cost for veterinary medical treatment, reasonable funeral and burial expenses and replacement of the animal. The House Committee on Corrections and Juvenile Justice added a provision that replacement costs shall include, but not be limited to, training costs, personnel expenses and costs associated with boarding the animal during training.

The bill would take effect from and after publication in the statute book, July 1, 2024.