

SESSION OF 2024

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2583**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2583, as amended, would increase penalties for inflicting harm that results in disability or death to certain dogs and horses, broaden the definition of inflicting harm to such animals to include police horses, create a separate offense for harm that does not result in disability or death, and specify restitution for such crimes.

***Inflicting Harm Resulting in Disability or Death***

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 statute specifies police, arson, assistance, game warden, or search and rescue dogs. The crime is classified as a non-grid nonperson felony.

The bill would add police horses to the specified animals and would increase penalties for inflicting harm resulting in disability or death to the specified law enforcement animals. The crime classification would be raised from a non-grid nonperson felony to a severity level 4 nonperson felony.

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\*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>

### *Escalating Factors*

Under the bill, such harm would be classified as a severity level 3 nonperson felony 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.

### *Penalties*

The bill would impose the following sentencing requirements for convictions of either a level 3 or 4 felony violation of infliction of harm:

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

### *Restitution*

The bill would provide for restitution for the aforementioned crimes 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.

### ***Definitions***

The bill would define “police horse” to mean any horse that is owned by, or the service of which is 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.

### ***Technical and Conforming Amendments***

The bill would make technical amendments to ensure consistency in statutory phrasing and conforming amendments to implement the provisions of the bill.

### ***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.

### **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