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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 1, 2024

Subject: Bill Brief on HB 2583

HB 2583 increases the criminal penalty for harming or killing certain dogs and horses and requires restitution for such offenses 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 non-grid, nonperson felony with a sentence of not less than 30 days or more than one year's imprisonment and a fine of not less than \$500 or 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. This penalty will remain the same for harm that does not result in disability or death to the animal.

For harm that does result in disability or death to the animal, the penalty would be a severity level 4, nonperson felony. Harm that results in disability or death to the animal during the commission of fleeing or attempting to elude a police officer, interference with law enforcement or escape or aggravated escape from custody would be a severity level 3, nonperson felony. In addition to the sentence provided in the sentencing grid, there would be a mandatory minimum term of 90 days of imprisonment imposed 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 statute that provides for restitution. The section is amended to provide 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.