

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children and Families Committee

BILL: SB 1950

INTRODUCER: Senator Rich

SUBJECT: Juvenile Animal Cruelty

DATE: March 28, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Duggar</u>	<u>Cannon</u>	<u>CJ</u>	Favorable
2.	<u>Sanford</u>	<u>Whiddon</u>	<u>CF</u>	Favorable
3.	_____	_____	<u>GO</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides legislative findings that:

- Multiple research studies have found statistically significant correlations between acts of animal cruelty by juveniles and violent behavior against persons; and
- It is critical for the protection of society that the Department of Juvenile Justice (DJJ or the department) provide programs that will rehabilitate juvenile animal cruelty offenders and halt further antisocial conduct.

The bill creates the Task Force on Juvenile Cruelty to Animals (Task Force) within the DJJ. The Task Force's duties include:

- Profiling the delinquency and criminal histories of Florida juveniles who have committed a criminal act of animal cruelty.
- Summarizing DJJ's methods for identifying juveniles who have a noncriminal history of engaging in acts of animal cruelty.
- Identifying and reviewing DJJ's practices and programs for the treatment and rehabilitation of juvenile animal cruelty offenders.
- Reviewing and summarizing current research regarding juvenile animal cruelty offenders and best practices in other jurisdictions for the treatment of these offenders.
- Recommending improvements for the assessment, treatment, and rehabilitation of juvenile animal cruelty offenders by DJJ.

The Task Force is required to report its findings and recommendations to the Legislature and the Governor by January 1, 2007. It is dissolved upon submission of its report.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Multiple studies have found statistically significant correlations between acts of animal cruelty committed by juveniles and later acts of violent behavior against persons. For example, the Florida Senate Criminal Justice Committee in its report entitled, *The Connection Between Domestic Violence, Child Abuse and Cruelty to Animals*, noted:

Childhood cruelty to animals has been linked to adult criminal behavior in studies reviewed and summarized by Professor Ascione. The results of these studies indicate childhood or adolescent histories of animal cruelty in:

- 25% of aggressive male prison inmates
- 30% of convicted child molesters
- 36% of assaultive women offenders
- 46% of incarcerated sexual homicide perpetrators
- 48% of convicted rapists. . . .¹

Further, in 2001, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued a report entitled, “Animal Abuse and Youth Violence,” in which it was concluded after a review of six studies that, “Taken together, these studies suggest that animal abuse may be characteristic of the developmental histories of between one in four and nearly two in three violent adult offenders.”² And most recently, a 2003 study published in the book, “Animal Cruelty: Pathway to Violence Against People,”³ found that adult violent offenders are significantly more likely than nonviolent offenders to have abused pets and stray animals during their childhood.⁴

The OJJDP report notes that juvenile acts of animal abuse are often underreported because historically these acts have not been systematically monitored in national crime reporting systems.⁵ In recent years, however, assessment instruments that identify juvenile delinquents with a history of animal abuse have been developed and are being implemented in Florida and in other states.

Further, the OJJDP report and other studies indicate that early intervention is imperative to ensuring that juvenile animal abusers do not continue on a path of violent behavior. However, formal protocols for the treatment of juvenile animal abusers have only recently begun to emerge. These protocols include animal-assisted therapy wherein juveniles are trained to care for and interact in a nurturing manner with animals in order to reduce propensities for aggression and violence. The OJJDP report states, “Developing a sense of empathy for animals is assumed to be a bridge to greater empathy for fellow human beings, making violence toward them less likely.”⁶

¹ *The Connection Between Domestic Violence, Child Abuse and Cruelty to Animals*, Florida Senate Criminal Justice Committee, Interim Project Report 2005-125, November 2004, p. 4.

² *Animal Abuse and Youth Violence*, Office of Juvenile Justice and Delinquency Prevention, September 2001, pp. 3-4.

³ *Animal Cruelty: Pathway to Violence Against People*, Linda Merz-Perez and Kathleen M. Heide, Ph.D., AltaMira Press, 2004.

⁴ *USF Study Finds Childhood Animal Cruelty is [an] Indicator for Violent Offenders*, News at University of South Florida, Michelle Cobas, March 1, 2003.

⁵ *Animal Abuse and Youth Violence* at pp. 2-3.

⁶ *Id.* at pp. 10-11; *USF Study Finds Childhood Animal Cruelty is [an] Indicator for Violent Offenders* at pp. 10-11.

Juvenile Animal Cruelty in Florida:

Section 828.12, F.S.,⁷ criminalizes animal cruelty in Florida. Statistics provided by DJJ indicate that between Fiscal Years (FYs) 2001 and 2005, there was a total of 303 juvenile delinquency referrals for violations of s. 828.12, F.S., which were based upon juvenile acts causing pain and suffering or death to animals.

Regarding these statistics, DJJ states in its bill analysis that:

Very few youth are referred annually to (the) DJJ for animal cruelty; however, animal cruelty is often a hidden, covert behavior and the research suggests that it is far more prevalent among the youth (the) DJJ serves than referral numbers would suggest.⁸

In October 2005, DJJ adopted a new screening tool, referred to as the Positive Achievement Change Tool (PACT), for juvenile probation officers to use in assessing and identifying the needs of youth referred to the department who are at risk of recidivism. One of the recidivism indicators scored by the PACT is whether the juvenile has a history of animal cruelty that has not been reported in the juvenile's delinquency history. Accordingly, the PACT should assist DJJ in identifying juvenile animal cruelty offenders who are referred to it for delinquent acts other than a violation of s. 828.12, F.S.

III. Effect of Proposed Changes:

The bill provides legislative findings that:

- multiple research studies have found statistically significant correlations between acts of animal cruelty by juveniles and violent behavior against persons; and
- it is critical for the protection of society that DJJ provide programs that will rehabilitate juvenile animal cruelty offenders and halt further antisocial conduct.

The term "juvenile animal cruelty offender" is defined by the bill to mean "a juvenile referred to the department who has violated s. 828.12, F.S., or who otherwise has a history of engaging in one or more acts of animal cruelty."

The bill creates the Task Force on Juvenile Animal Cruelty, which may consist of up to 12 members appointed by the secretary of the department.⁹ The Task Force is directed to submit a report by January 1, 2007, to the Legislature and the Governor that includes, but is not limited to, the following findings and recommendations:

⁷ Section 828.12, F.S., provides that it is: (1) a first degree misdemeanor for a person to unnecessarily overload, overdrive, torment, deprive of necessary sustenance or shelter, or unnecessarily mutilate, or kill any animal; and (2) a third degree felony for a person to commit an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering. The section further provides that a person convicted of third degree felony animal cruelty must undergo psychological counseling or complete an anger management treatment program if his or her violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal.

⁸ Bill analysis for HB 563, Department of Juvenile Justice, p. 1.

⁹ The bill specifies that membership of the task force must include, but is not limited to: (a) three persons who collectively have experience with the conduct of juvenile animal cruelty research and with the treatment and rehabilitation of juvenile animal cruelty offenders; two department employees who collectively are responsible for research and planning and delinquency prevention and treatment programming; and two representatives of providers of juvenile delinquency prevention, treatment, and rehabilitation services.

Task Force Findings Required by the Bill:

- identification of animal cruelty statutes;
- a profile of the dispositions for, and the delinquency and criminal histories of, youth who have violated s. 828.12, F.S., between FYs 2001 and 2006;
- a summary of DJJ's methods for identifying juvenile animal cruelty offenders referred to DJJ for delinquent acts other than a violation of s. 828.12, F.S.;
- identification of DJJ's practices, procedures, and programs for the treatment and rehabilitation of juvenile animal cruelty offenders;
- a summary of research regarding juvenile animal cruelty offenders; and
- identification of best and evidence-based practices and model programs used in other jurisdictions to treat and rehabilitate juvenile animal cruelty offenders.

Task Force Recommendations Required by the Bill:

- identification of methods to assess the needs of juvenile animal cruelty offenders;
- treatment programs for the rehabilitation of such offenders;
- service delivery mechanisms to ensure that treatment programs are available statewide; and
- funding needs for such programming.

The bill further specifies that DJJ shall provide administrative support for the Task Force; that members of the Task Force are entitled to travel and per diem reimbursement in accordance with s. 112.061, F.S.; and that the Task Force is dissolved upon completion of its duties.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Based on its recent experience in administering the Task Force on Juvenile Sexual Offenders and their Victims,¹⁰ the Department of Juvenile Justice estimates the total fiscal impact of the bill as \$29,482. (However, DJJ indicates that this fiscal impact could be significantly less if members of the Task Force reside in Tallahassee.) This total figure is based upon the following estimated costs:

- \$9,482 to hire a part-time OPS professional staff person to perform administrative, research, and writing duties for the Task Force. This figure is based upon the Task Force's 22-week duration, 20 hours per week, an hourly salary of \$20.00, and 7.75 percent for F.I.C.A.
- Up to \$20,000 for travel and per diem reimbursement. The department anticipates that five meetings will be required for the Task Force. Further, DJJ estimates that up to six members of the Task Force may be from outside of the Tallahassee area. These members would be entitled to travel and per diem reimbursement under the bill. According to DJJ, such reimbursement may average as much as \$666.00 per member per meeting, unless the members reside in Tallahassee, in which case the expenses will be greatly reduced. (The department expects that it will be able to recruit qualified local members for the Task Force from Tallahassee's universities and state government.)

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁰ See Chapter 2005-263, s. 10 (creating the Task Force on Juvenile Sexual Offenders and their Victims within the Department).

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
