

CS/CS/HB 435 – Animal Abuse

This bill amends s. 828.126, F.S., expanding the definition of sexual contact with an animal and expanding the act that is currently a 1st degree misdemeanor to include advertising, offering, soliciting, or accepting “an offer of an animal for the purpose of sexual contact with such animal,” as well as to “knowingly film, distribute, or possess any pornographic image or video of a person and an animal engaged in any of the activities prohibited by this section.” Furthermore, the 1st degree misdemeanor is now made a **Level 6, 3rd degree felony**. This bill also increases the current Level 1, 3rd degree felony under s. 828.122, F.S. for fighting or baiting animals to a **Level 6, 3rd degree felony**.

Per FDLE, in FY 18-19, there were 6 arrests under s. 828.126, F.S. with one adjudication withheld, and in FY 19-20, there were 3 arrests, with 2 guilty/convicted and one adjudication withheld. In FY 20-21, there were 11 arrests with one adjudication withheld. While this number is low under current statute, it is not known how many additional offenders there would be by expanding the language to include pornographic content.

Per DOC, there have been no new commitments under s. 828.122, F.S. for the last three fiscal years. An examination of sentencing data indicates that there are small numbers getting sentenced overall, so it is likely that the increase in felony level would not have a significant effect on the prison population.

In FY 18-19, the incarceration rate for a Level 6, 3rd degree felony was 26.9%, and in FY 19-20 the incarceration rate was 25.2%. In FY 20-21, the incarceration rate was 24.5%.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House