



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

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<b>Drafting Number:</b>	LLS 23-0066	<b>Date:</b>	June 20, 2023
<b>Prime Sponsors:</b>	Sen. Jaquez Lewis Rep. Garcia	<b>Bill Status:</b>	Lost in Senate
		<b>Fiscal Analyst:</b>	Alexa Kelly   303-866-3469 alex.kelly@coleg.gov

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**Bill Topic:** PROHIBIT EQUINE SLAUGHTER FOR HUMAN CONSUMPTION

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**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill would have established the crime of unlawful equine slaughter. It would have increased state and local revenue and expenditures on an ongoing basis, beginning in FY 2023-24.

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**Appropriation Summary:** No appropriation was required.

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**Fiscal Note Status:** The fiscal note reflects the introduced version of the bill. The bill was lost in the Senate on March 16, 2023; therefore, the impacts identified in this analysis do not take effect.

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## Summary of Legislation

This bill establishes the crime of unlawful equine slaughter for human consumption. The bill specifies what constitutes illegal equine slaughter, including the buying, selling, importing, and exporting of equines for human consumption.

**Penalties.** The penalties for equine slaughter are:

- a class 1 misdemeanor and a minimum fine of \$1,000 for a first offense;
- a class 5 felony and a minimum fine of \$5,000 for a second offense within ten years of the first offense; and
- a class 4 felony and a minimum fine of \$10,000 if a person obtained the equine by fraud or theft.

Any person convicted of equine slaughter is prohibited from owning, possessing, or caring for an equine and is not permitted to participate in a public livestock market for at least three years. The bill specifies acts that do not qualify as equine slaughter, including provisions around utilizing equines to feed predators in a facility.

**Notice requirements.** Any bill of sale for equine livestock must include a notice of the criminal liability of buying or selling equine livestock for human consumption. There must also be language affirming that the equine livestock is not being bought or sold for human consumption. Lastly, at any auction where equine livestock are sold, the management must provide notice that buying or selling equine livestock for human consumption is a crime.

## **Comparable Crime Analysis**

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

**Prior conviction data.** This bill creates the new offense of equine slaughter for human consumption, which ranges from a class 1 misdemeanor to a class 4 felony depending on the number of prior offenses. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of illegal sale of wildlife other than big game, which is a class 2 misdemeanor, as a comparable crime. From FY 2019-20 to FY 2021-22, two individuals have been convicted and sentenced for this existing offense. Of the persons convicted, one was male and one did not have a gender identified. Demographically, one was White and one was classified as "Other."

**Assumptions.** Under the Federal Meat Inspection Act, horse meat cannot be shipped or sold for human consumption without federal inspection. There is currently no inspection process set up by the United States Department of Agriculture, so there is no legal process in place for horse meat inspection. Based on the comparable offense data above, the current federal restrictions covering many of the prohibited actions under the bill, and an assumed high level of compliance, the fiscal note estimates that there will be minimal increase in cases and convictions for the new offense under the bill. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue and Expenditures**

The bill may minimally increase revenue and workload in the criminal justice system, as well and workload in the Department of Agriculture, as outlined below.

**Criminal justice impacts.** Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

**Bill of sale implementation.** The Brands Division, a state enterprise in the Department of Agriculture (CDA), will contract with the Office of Informational Technology to add the required language to bills of sale. The Brands Division can make these changes using existing fee revenue.

**Animal protection cases.** The CDA Bureau of Animal Protection may have increased workload if the bill results in additional horse abandonment cases. Should additional resources be required for this work in the future, it is assumed that the CDA will request funding through the annual budget process, if needed.

## **Local Government**

Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute more offenses, Denver County court to hear more criminal cases, or county jails to imprison more individuals convicted of misdemeanors under the bill will be minimal. District attorney offices, Denver County court, and county jails are funded by counties.

## **Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **State and Local Government Contacts**

Agriculture

Judicial

Information Technology