

LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT

LS 6739

BILL NUMBER: HB 1165

NOTE PREPARED: Dec 23, 2025

BILL AMENDED:

SUBJECT: Various Animal Related Matters.

FIRST AUTHOR: Rep. McNamara

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Definition of "Pest":* The bill amends the definition of pest.

Removing a Domestic Animal From a Locked Motor Vehicle: The bill removes partial liability for damages when a person removes a domestic animal from a motor vehicle.

Criminal Offenses Relating to Animals: The bill establishes an enhancement from a Class A misdemeanor to a Level 6 felony for the theft of a domestic animal. It sets forth new definitions and amends various definitions for offenses relating to animals. It increases the penalty for killing a law enforcement animal from a Level 6 felony to a Level 5 felony. It amends the crime of torture or mutilation of a vertebrate animal. It adds enhancements to abandonment or neglect of a vertebrate animal.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Department of Correction (DOC) Commitments:* The bill adds several penalty enhancements for existing criminal offenses (from Class A misdemeanor to Level 6 felony, and from Level 6 felony to Level 5 felony). State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time or incarcerated in a state prison rather than a county jail. The amount of additional expenditures is indeterminate.

A Level 6 felony is punishable by a prison term ranging between 6 to 30 months, with an advisory sentence of 1 year, depending upon mitigating and aggravating circumstances (with 50% credit time). A Level 5 felony is punishable by a prison term ranging from 1 to 6 years, with an advisory sentence of 3 years (with 25% credit time). If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$4,825 annually, or \$13.22, per prisoner.

Additional Information:

Theft: The bill's largest impact on expenditures *could be* from penalty enhancements related to theft of a domestic animal. The bill enhances the penalty from a Class A misdemeanor to a Level 6 felony for theft,

if the property is a domestic animal and from a Level 6 felony to a Level 5 felony with a prior conviction. The number of theft cases that involve a domestic animal is unknown. There are about 1,500 *misdemeanor* theft convictions and about 3,400 *felony* theft convictions annually under the applicable statute, excluding cases related to auto theft. About 9% of Level 6 felony theft convictions are committed to the DOC and about 36% of Level 5 felony theft convictions (where the theft conviction is the highest convicted charge).

Animal Cruelty: The bill provides the following enhancements to animal cruelty offenses:

Class A Misdemeanor to Level 6 Felony: The bill enhances the penalty for animal cruelty if committed in the immediate presence of a minor; if the offense results in certain injuries or death to the animal; or if the person has ten or more vertebrate animals in their custody, resulting in at least one of the animals living in inadequate conditions, as specified. The bill also expands domestic violence animal cruelty to include animal abandonment or neglect (not just killing) and include reckless acts (not just knowing and intentional), which may enhance some offenses. [Note: “abuse” is also added to this offense, but is already a Level 6 felony enhancement under the “animal cruelty” statute.]

There are about 50 misdemeanor cases each year with a convicted charge for animal cruelty. These could potentially be enhanced to Level 6 felonies, if the required circumstances exist. About 14.3% of Level 6 felony animal cruelty convictions (2 out of 17 felony cases) are sentenced to the DOC.

Level 6 Felony to Level 5 Felony: The bill enhances the penalty for animal cruelty (torture or mutilation) resulting in certain permanent injuries or death of the animal and for cruelty to a law enforcement animal resulting in death of the animal.

About 10 of the 17 felony cases each year are for torture or mutilation of an animal. These could potentially be enhanced to Level 5 felonies. There was one conviction in FY 2022 for death of a law enforcement animal; however, it was not the highest convicted charge.

[The bill also removes the defense for animal cruelty regarding abandonment of an animal by a person who reasonably believed the animal was capable of surviving on its own.]

Explanation of State Revenues: *Court Fee Revenue:* The bill could increase revenue to the state General Fund if some enhanced felony cases are filed in a court of record (circuit or superior) rather than a municipal court. Court fee revenue to the state General Fund is \$113 for cases filed in a municipal court and \$138 for cases filed in a court of record. A misdemeanor may be filed in a court of record or a municipal court, but a felony must be filed in court of record.

Criminal Fines: Revenue to the Common School Fund may also increase if more, or larger, fines are collected. The maximum fine for a Class A misdemeanor is \$5,000 and for all felony levels is \$10,000 (Common School Fund). The following linked documents describe the fees and revenue distribution: [Court fees imposed in criminal, juvenile, and civil violation cases](#).

Removal of partial liability for damages to a motor vehicle when a person removes a domestic animal (to rescue from imminent danger) could reduce civil cases.

Explanation of Local Expenditures: The enhancement and expansion of existing criminal offenses could increase jail populations for pre- and post-trial confinement and increase expenditures for local jails and community supervision programs. Conversely, if an offender is sentenced to state prison post trial rather than

to a county jail, the costs to the county may be reduced.

Cases with a Level 6 or Level 5 felony theft conviction or Level 6 felony animal cruelty conviction under the applicable statutes spend about 1.3 months in jail pretrial, on average. About 10% of these cases overall are committed to the DOC. About 64% of the cases are considered “time served” at the date of sentencing, with the remaining portion of their sentence suspended. Therefore, the remaining cases serve time in jail and/or in a community corrections program.

The maximum term of imprisonment for a Class A misdemeanor is up to one year. The Gateway reports show that in CY 2023, housing offenders in 33 Indiana county jails cost an average of \$56 to \$79 per day, while the average cost for community corrections supervision is \$10.96 per day and for probation supervision is \$3.39 per day.

Explanation of Local Revenues: If some enhanced felony cases are filed in a court of record (circuit or superior) rather than a municipal court, revenue would increase to counties, but would decrease to municipalities. A misdemeanor may be filed in a court of record or a municipal court, but a felony must be filed in court of record.

If the case is filed in a municipal court, the county receives \$30, and the municipality will receive \$46. If the case is filed in a court of record, the county general fund will receive \$47.40 and qualifying municipalities will receive a share of \$3.60. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, city and town courts; local law enforcement agencies.

Information Sources: Indiana Supreme Court, Indiana Trial Court Fee Manual; Department of Correction; Indiana Sheriffs’ Association, Indiana Supreme Court, Indiana Trial Court Fee Manual; Indiana Gateway for Government Units, 2023 Annual Financial Reports, <https://gateway.ifionline.org/public/download.aspx>;

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