

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1803
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: OCTOBER 10, 2023

SUMMARY

Synopsis: Prohibits surgical declawing of cats and other animals.

Type of Impact: Annual revenue and expenditure increases to municipalities. Annual expenditure increases to counties. Annual State expenditure increases.

Agencies Affected: The Judiciary; Department of Law and Public Safety; Department of Health; Office of the Public Defender; County and Municipal Governments

Office of Legislative Services Estimate

Annual Fiscal Impact	
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate
State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that municipalities would incur indeterminate annual expenditure increases related to additional law enforcement and judicial actions arising from violations of the bill's provisions. Disorderly persons cases are adjudicated in municipal court.
- Annual county expenditures would increase if any defendants were sent to county jails for disorderly persons offenses.
- Municipal and county revenues could increase by an indeterminate amount from additional court filing fees and penalties.
- The State may incur marginal annual expenditure increases for certain administrative tasks the Department of Health will perform under the bill along with an increase in costs to the State Board of Veterinary Medical Examiners to handle additional disciplinary actions.

BILL DESCRIPTION

This bill would prohibit a person from performing, or causing to be performed, an onychectomy (declawing) or flexor tendonectomy procedure by any means on a cat or other animal, unless the procedure is deemed necessary for a therapeutic purpose by a licensed veterinarian. Any person who violates this provision would be guilty of a disorderly persons offense, which is punishable by a fine of up to \$1,000, a term of imprisonment of up to six months, or both. A violator would also be subject to a civil penalty of between \$500 and \$2,000.

Under the bill, whenever a licensed veterinarian determines that an onychectomy or flexor tendonectomy is necessary for a therapeutic purpose, the veterinarian would be required to file a written statement with the Department of Health, and provide a copy of that statement to the owner of the animal. A veterinarian who fails to comply with this provision would be subject to disciplinary action by the State Board of Veterinary Medical Examiners.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that municipalities would incur indeterminate annual expenditure increases related to additional law enforcement and judicial actions arising from violations of the bill's provisions, any of which would be adjudicated in municipal court.

The bill also may result in annual county expenditure increases, as individuals could be sent to county jails for disorderly persons offenses. A disorderly persons offense is punishable by a fine of up to \$1,000, a term of imprisonment of up to six months, or both. The costs for housing inmates in a county jail vary, but according to certain estimates, it could be more than \$100 per day. For example, in 2021 when Union County closed its county jail and moved its inmates to the Essex County jail, Union County decided on a daily rate of \$104 per person.

Additional annual county and municipal revenue also would be realized in the form of additional court filing fees and penalties. The OLS lacks sufficient information to quantify the net fiscal impact of this bill on local government units, as it is unclear as to how many individuals would be guilty of violating the provisions of the bill in any given fiscal year.

The State would incur marginal annual expenditure increases for certain administrative tasks the Department of Health will perform under the bill along with an increase in costs to the State Board of Veterinary Medical Examiners to handle additional disciplinary actions.

The OLS lacks sufficient information to quantify the fiscal impact of this bill, as it is unclear as to how many individuals would be found guilty of violating its provisions in any given fiscal year. According to data made available by the Humane Society of the United States, an estimated 94.2 million cats were living as pets in family homes in 2017-2018 nationwide. Certain estimates put the number of declawed cats at between 19 to 46 percent.

Section: *Judiciary*

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 Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).