

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5162-02
Bill No.: HB 2157
Subject: Agriculture and Animals; Law Enforcement Officers and Agencies
Type: Original
Date: April 7, 2014

Bill Summary: This proposal changes the laws regarding the confiscation of animals.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 10 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§ 578.018 -578.030 - Confiscated Animals:

Officials from the **Department of Agriculture (AGR)** assume the fiscal impact to the department is unknown.

AGR assumes if the department is designated as the third party approved by the court or required in any way to care for confiscated animals costs to build and maintain such an animal care facility would be approximately \$4.6 million as described in the department's response to similar legislation (HB 785) in 2013.

AGR assumes any political subdivision impounding animals for the purposes of ensuring their protection from abuse, neglect, or cruelty would be impacted by additional costs of keeping and caring for the animals.

AGR assumes this proposal could require the AGR, Animal Care Facilities Act Program, to expand the program by constructing and staffing a shelter for animals taken under the authority of a warrant for the purpose of care and maintenance of the animals pending acquittal, conviction, or final discharge of the owner.

AGR assumes an average of six (6) warrants per year are issued under 578.018 with an average of 75 animals per incident totaling 450 animals per year.

AGR assumes this proposal would require an animal shelter with a holding capacity of 450 animals at a cost of \$4,566,903 to be built, plus operating and maintenance costs in FY 2015. FTE and maintenance costs would be \$654,251 in FY 16 and \$661,284 in FY 17. These costs include one (1) Veterinarian I, nine (9) Animal Health Officers, and one (1) administrative assistant to staff the shelter and carry out the provisions of this proposed legislation.

AGR assumes all animals would be affected (e.g. horses, cows, exotic animals, etc.). However, the estimated costs are based on dogs only. Total costs for all species are unknown.

AGR notes, the state of Missouri has 248 municipal or local government dog pounds, 294 non-profit licensees listed as animal shelters, contract kennels, or rescues, and one for profit animal shelter.

ASSUMPTION (continued)

Oversight assumes under current law, AGR, along with local law enforcement, facilitate the removal and placement of animals subject to a warrant and seizure. This proposal requires an initial disposition hearing within the first 10 days of the confiscation by the authority through which the warrant was issued.

Oversight assumes this proposal requires reasonable bond or security by the animal owner to be posted within 72 hours of the disposition hearing for all animal board costs while the animal is held in custody until final disposition or dismissal of the case. Upon conviction the animal owner is liable for all costs related to the removal and care of the animal.

Oversight assumes any confiscated animal care costs, should the animal owner be acquitted, has an inability to pay before the initial disposition hearing, or upon conviction, would be incurred by veterinarians, local government dog pounds, animal shelters, animal rescue facilities, or another third party with existing animal care facilities approved by the court.

For the purpose of the fiscal note, **Oversight** will assume an unknown cost to local government dog pounds, shelters, and rescues as a result of this proposal.

Officials from the **Cole County Sheriff Department** state under this proposal if the owner of the animal is responsible for the board of the animal it would be no fiscal impact to the county. However, if the county is responsible for the cost of boarding animals for enforcing state law, the proposal would result in a significant fiscal impact.

Officials from **St. Louis County** assume if an animal owner is acquitted, gets a suspended imposition of sentence, or is found not guilty in a criminal trial of abuse or neglect on animals that they have previously paid a bond bill to Saint Louis County after the 10 day disposition hearing, they are entitled to the animals and or their value back from this proposal. These cases can take months to a year to go to trial and would result in additional costs to St. Louis County.

ASSUMPTION (continued)

Bill as a Whole:

Officials at the **Department of Corrections (DOC)** assumes the penalty provisions, the component of the bill to have potential fiscal impact for DOC, is for up to a class A misdemeanor. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

DOC states if additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY13 average of \$5.07 per offender, per day or an annual cost of \$1,851 per offender).

DOC states supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent clients are charged with the proposed new crime of intentionally euthanizing, or sterilizing animals unlawfully seized or removed from an owner until the final disposition of the charges against the owner. This would be a new Class B misdemeanor. Subsequent offenses would be a Class A misdemeanor.

SPD assumes while the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Office of Attorney General (AGO)** assumes that any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Department of Health and Senior Services**, the **Office of State Courts Administrator**, the **Office of Prosecution Services**, the **Missouri State Highway Patrol**, the **Joint Committee on Administrative Rules**, and the **Jefferson City Police Department** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
LOCAL GOVERNMENT FUNDS			
<u>Revenue - Animal Rescue Facilities</u> §§ 578.018 and 578.030 - Bond or security for animal care costs from the animal owner	Unknown	Unknown	Unknown
<u>Cost - Animal Rescue Facilities</u> §§ 578.018 and 578.030 - Care of animals held till final disposition of charges and acquittal or inability to pay	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

§§ 578.018 -578.030 - Confiscated Animals:

Non-profit and for profit animal shelters, or animal rescue facilities would expect to see additional costs as a direct result of this proposal.

FISCAL DESCRIPTION

§§ 578.018 -578.030 - Confiscated Animals:

This proposal changes the laws regarding the confiscation of animals.

1. Removes a public health official from the individuals authorized to seek a warrant to enter property to inspect, care for, or confiscate neglected or abused animals.
2. Requires a person acting under the authority of a warrant to appear at a disposition hearing before the court through which the warrant was issued within 10 days of the confiscation, instead of be given a disposition hearing within 30 days of the filing of the request, for the purpose of granting immediate disposition of the animals. An animal cannot be sterilized before the completion of the disposition hearing unless it is necessary to save life or relieve suffering.
3. Allows a third party approved by the court to care for confiscated animals;
4. Specifies that the owner of any animal that has been confiscated cannot be responsible for the animal's care and keeping prior to a disposition hearing if the owner is acquitted or there is a final discharge without conviction.
5. Requires a reasonable bond or security to be posted within 72 hours of the disposition hearing in an amount sufficient to provide for the care of the animal and consistent with the fair market cost of boarding the animal in an appropriate retail boarding facility if the owner, custodian, or any person claiming an interest in an animal that has been confiscated because of neglect or abuse would like to prevent disposition of the animal while the case proceeds. Currently, the owner, custodian, or any person claiming an interest in an animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care for at least 30 days, inclusive of the date on which the animal was taken into custody.
6. Specifies that all animals confiscated must receive proper care as determined by state law and regulations. Any facility or organization must be liable to the owner for damages for any negligent acts or abuse of the animal which occurs while the animal is in its care, custody, and control.

FISCAL DESCRIPTION (continued)

7. Allows an owner to demand the return of the animal held in custody if he or she posted a sufficient bond and is acquitted or there is a final discharge without a conviction unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence. Any entity with care, custody, and control of the animal must immediately return it to the owner upon demand and proof of the acquittal or final discharge without conviction. The animal owner is not liable for any costs incurred relating to the placement and care of the animals while the charges were pending unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence
8. Specifies that any person or entity that intentionally euthanizes, other than as permissible under the provisions of the bill, or intentionally sterilizes an animal prior to a disposition hearing or during any period for which a reasonable bond was secured for the animal's care will be guilty of a class B misdemeanor and is liable to the owner for damages including the actual value of the animal. Each individual animal for which a violation occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor, and any entity licensed under state law will be subject to licensure sanction by its governing body.
9. Includes dogs confiscated by any member of the State Highway Patrol or other law enforcement officer that were involved in dog fighting to those animals covered under these provisions.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture
Department of Health and Senior Services
Department of Corrections
Office of State Courts Administrator
Office of Prosecution Services
State Public Defender's Office
Department of Public Safety -
 Missouri State Highway Patrol
Office of Secretary of State
Office of the Attorney General
Joint Committee on Administrative Rules
St. Louis County
Jefferson City Police Department
Cole County Sheriff Department

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April 7, 2014



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April 7, 2014