

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0513H.02P
Bill No.: Perfected HCS for HB 589
Subject: Agriculture; Animals; Law Enforcement Officers and Agencies
Type: Original
Date: April 13, 2021

Bill Summary: This proposal modifies provisions relating to public health.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	More than or Less than (\$52,715)	More than or Less than (\$62,072)	More than or Less than (\$62,389)
Total Estimated Net Effect on General Revenue	More than or Less than (\$52,715)	More than or Less than (\$62,072)	More than or Less than (\$62,389)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Agriculture, Department of Corrections, Department of Public Safety - Missouri Highway Patrol, Office of the State Courts Administrator and Attorney General's Office** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

For the purpose of the proposed legislation, and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of a class B misdemeanor offense of improper euthanizing of a seized animal under Section 578.018, RSMo. An increase in caseload from this new crime is unlikely; however, if this offense was classified as a class D misdemeanor, it would not qualify for public defender representation because it would be punishable by a fine only, and therefore there would be no impact on SPD. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. 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 competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Kansas City Police Department** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to a previous version, officials from the **Boone County Sheriff, Crestwood Police Department and Tipton Police Department** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **St. Louis County Police Department** assume if passed, this bill would allow for animal control officers or law enforcement officers to apply for animal confiscation warrants, however service of the actual warrant would require the response of a police officer. While the Police Department currently assists the health department with these cases, the animal control officers would no longer be able to solely function without Police involvement.

The proposed bill also removes the ability to post search warrant materials on the property. The bill would require that a resident of the property be served with the appropriate materials. In some cases this may make executing the search warrant impossible.

The proposed bill would change the usual disposition hearing following an animal confiscation from thirty days to ten days. There are serious implications of moving the hearing to ten days rather than thirty. For example, many tests completed by the veterinarian and lab will not be completed within ten days. If the tests are completed in the rushed time frame, the case may be found in favor of the pet owner and the police would have wasted time and man power.

The increase in man hours, paperwork, and overtime are difficult to estimate. The police officers process, if involved in an animal confiscation case would be as follows:

The officer would have to compile evidence and apply for a warrant (in some situations). After approval, the officer would then have to respond to the location where the animal is being maintained with the health department and animal control to serve the warrant. If the owner of the animal is not on-scene, the officer must locate a resident of the property and serve them in person, which may be impossible. After completing all necessary reports and having them approved, the officer would have to respond to a disposition hearing within ten days. During this process, the officer involved would no longer be able to respond to other calls and additional officers would have to complete the work the missing officer would generally complete, generating overtime costs.

According to Officer Robert Rinck, assigned to the Problem Properties Unit, the current process followed to confiscate animals takes an average of 24-40 hours to complete from start to finish. If the process were changed as the bill proposes, there could be an increase of hours worked.

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.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other sheriffs and police departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

House Amendment 2 (including HA 1 to HA 2 & HA 3 to HA 2) – Vaccine Documentation

Oversight assumes there will be no direct fiscal impact from this amendment.

Officials from the **City of Springfield** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this amendment.

House Amendment 2 to House Amendment 2 (§§566.111, 578.005, 578.009, and 578.012) – Offenses Against Animals

In response to a similar proposal from 2021 (HB 373), officials from the **Department of Corrections (DOC)** assumed this bill modifies provisions relating to sex with animal, animal hoarding, and animal abuses. This bill adds a new class C misdemeanor for animal neglect and a new class E felony for repeated offense of animal neglect. The class C misdemeanor does not come under the purview of the DOC; however, a new class E felony has a potential impact on the DOC.

Since this is a new offense, the department will use a standard class E felony response. For each new nonviolent class E felony, the department estimates one person will be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$7,756)	(\$6,463)	2	absorbed	\$0	(\$6,463)
Year 2	2	(\$7,756)	(\$15,822)	4	absorbed	\$0	(\$15,822)
Year 3	2	(\$7,756)	(\$16,139)	7	absorbed	\$0	(\$16,139)
Year 4	2	(\$7,756)	(\$16,461)	7	absorbed	\$0	(\$16,461)
Year 5	2	(\$7,756)	(\$16,791)	7	absorbed	\$0	(\$16,791)
Year 6	2	(\$7,756)	(\$17,127)	7	absorbed	\$0	(\$17,127)
Year 7	2	(\$7,756)	(\$17,469)	7	absorbed	\$0	(\$17,469)
Year 8	2	(\$7,756)	(\$17,818)	7	absorbed	\$0	(\$17,818)
Year 9	2	(\$7,756)	(\$18,175)	7	absorbed	\$0	(\$18,175)
Year 10	2	(\$7,756)	(\$18,538)	7	absorbed	\$0	(\$18,538)

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

In response to a similar proposal from 2021 (HB 373), for the purpose of the proposed legislation, and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** could not assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) concerning animal abuse under Section 578.015. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the

Missouri State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

In response to a similar proposal from 2021 (HB 373), officials from the **Attorney General's Office**, the **Department of Mental Health**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Department of Agriculture**, the **Missouri Office of Prosecution Services**, and the **Office of the State Courts Administrator** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight notes according to howmuchitcosts.org, a comprehensive mental health evaluation costs between \$1,500 and \$3,500. Below, Oversight listed the number of guilty dispositions for the sections contained in the bill by fiscal year. The average, per year, number of convictions for these three charge codes is 123. Assuming 25% of these (31) would be declared indigent, the state would be required to pay for the evaluation. Oversight will assume a cost of \$46,250 per year (123 x 25% x \$1,500). Oversight will assume a fiscal impact of 'more than or less than' this amount, paid by the state's General Revenue Fund.

Charge	Convictions by charge code			Average	Indigent (assumed to be 25%)	cost per eval.	Annual costs for evals
	FY 2020	FY 2019	FY 2018				
566.111	-	-	-	-	-		
578.009	29	85	95	70	17		
578.012	43	56	62	54	13		
				123	31	\$1,500.00	\$ 46,250.00

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Costs</u> - (HA 2 to HA 2) (§§566.111, 578.005, 578.009, 578.012) - comprehensive mental health evaluations	More than or Less than (\$46,250)	More than or Less than (\$46,250)	More than or Less than (\$46,250)
<u>Costs</u> – DOC - (HA 2 to HA 2) (§§566.111, 578.005, 578.009, 578.012) -Increased incarceration costs	(\$6,463)	(\$15,822)	(\$16,139)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	More than or Less than (\$52,715)	More than or Less than (\$62,072)	More than or Less than (\$62,389)

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue –</u> (§§578.018 & 578.030) - Animal Rescue Facilities - Bond or security for animal care costs from the animal owner	Unknown	Unknown	Unknown
<u>Cost - (§§578.018 & 578.030) - Animal Rescue Facilities - Care of animals held until final disposition of charges and acquittal or inability to pay</u>	(Unknown)	(Unknown)	(Unknown)
<u>Cost - (§§578.018 & 578.030) - Law Enforcement Agencies - Increased duties in the animal confiscation process</u>	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT – Small Business

Small business animal shelters and veterinary facilities might incur additional costs as a result of this proposal.

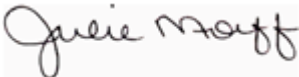
FISCAL DESCRIPTION

This bill modifies provisions relating to public health.

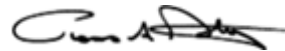
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture
Office of the State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender
Attorney General's Office
Department of Public Safety - Missouri Highway Patrol
Boone County Sheriff
Kansas City Police Department
Crestwood Police Department
Tipton Police Department
St. Louis County Police Department
Department of Mental Health
City of Springfield



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