

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0826H.03P
Bill No.: Perfected HCS for HB 508
Subject: Agriculture; Animals
Type: Original
Date: April 27, 2021

Bill Summary: This proposal modifies provisions relating to feral swine.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	\$0 to (\$6,463)	\$0 to (\$15,822)	\$0 to (\$16,139)
Total Estimated Net Effect on General Revenue	\$0 to (\$6,463)	\$0 to (\$15,822)	\$0 to (\$16,139)

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	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Highway Patrol**, **Office of the State Courts Administrator** and **Missouri Office of Prosecution Services** 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.

In response to a previous version, officials from the **Missouri Department of Agriculture** and **Missouri Department of Conservation** 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.

In response to a previous version, 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) under Chapter 270 concerning feral swine, which are classified as a class E felony. 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.

In response to a previous version, officials from the **Department of Corrections (DOC)** assumed the following regarding this proposal:

Section 270.260, RSMo – Any person who recklessly or knowingly releases any swine to live in a wild or feral state upon any public land or private land, not completely enclosed by a fence capable of containing such animals is guilty of a class E felony.

Section 270.270, RSMo - Any person possessing or transporting live feral swine as defined in section 270.400 is guilty of a class A misdemeanor.

For each new non-violent class E felony, the department estimates one person will be sentenced to prison and two to probation. The average sentence for a non-violent 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.

	# to prison	Cost per year	Total Costs for prison	# of offenders to Probation & Parole	Costs for more P&P officers	Grand Total of Costs to DOC
Year 1	1	(\$7,756)	(\$6,463)	2	\$0	(\$6,463)
Year 2	2	(\$7,756)	(\$15,822)	4	\$0	(\$15,822)
Year 3	2	(\$7,756)	(\$16,139)	7	\$0	(\$16,139)
Year 4	2	(\$7,756)	(\$16,461)	7	\$0	(\$16,461)
Year 5	2	(\$7,756)	(\$16,791)	7	\$0	(\$16,791)
Year 6	2	(\$7,756)	(\$17,127)	7	\$0	(\$17,127)
Year 7	2	(\$7,756)	(\$17,469)	7	\$0	(\$17,469)
Year 8	2	(\$7,756)	(\$17,818)	7	\$0	(\$17,818)
Year 9	2	(\$7,756)	(\$18,175)	7	\$0	(\$18,175)
Year 10	2	(\$7,756)	(\$18,538)	7	\$0	(\$18,538)

Oversight does not have any information to the contrary in regards to DOC's assumptions; therefore, Oversight will reflect DOC's costs on the fiscal note.

Oversight notes this proposal also repeals provisions of law creating the Animal Health Fund. Oversight referred to the Monthly Fund Activity Reports published by the Office of the State Treasurer and was unable to find this fund on the reports as far back as 2012; therefore, Oversight assumes there will be no impact from this provision.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Cost - DOC - potential increase in the number of offenders under supervision</u>	<u>\$0 to (\$6,463)</u>	<u>\$0 to (\$15,822)</u>	<u>\$0 to (\$16,139)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to (\$6,463)</u>	<u>\$0 to (\$15,822)</u>	<u>\$0 to (\$16,139)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Currently, any person who knowingly or recklessly releases any swine to live in the wild or possesses or transports certain live wild boar without a permit from the Department of Agriculture is guilty of a class A misdemeanor. This bill changes the penalties to a class E felony.

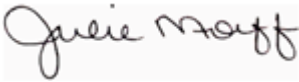
The bill also changes the term "feral hog" to "feral swine" and specifies that any person who kills a feral swine outside without the consent of the landowner or not in compliance with certain requirements is guilty of a class A misdemeanor.

The bill also repeals the requirements for the Department of Agriculture to promulgate rules relating to fencing and health standards for certain wild boar and swine held on private property.

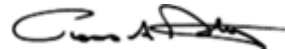
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Department of Agriculture
Missouri Department of Conservation
Department of Corrections
Office of the State Courts Administrator
Office of the State Public Defender
Missouri Office of Prosecution Services
Missouri Highway Patrol



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April 27, 2021



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