

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0949H.01I
Bill No.: HB 373
Subject: Crimes and Punishment; Animals
Type: Original
Date: March 2, 2021

Bill Summary: This proposal modifies provisions relating to offenses against animals.

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	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§566.111, 578.005, 578.009, and 578.012 – Offenses against animals

Officials from the **Department of Corrections (DOC)** assume 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)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be the DOC average district caseload across the state which is 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

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

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) 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.

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 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.

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 conviction 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.

Convictions by charge code					Indigent (assumed to be 25%)	cost per eval.	Annual costs for evals
Charge	FY 2020	FY 2019	FY 2018	Average			
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 – comprehensive mental health evaluations</u>	More than or Less than (\$46,250)	More than or Less than (\$46,250)	More than or Less than (\$46,250)
<u>Costs – DOC (\$566.111, 578.005, 578.009, 578.012) Increased incarceration costs</u>	(\$6,463)	(\$15,822)	(\$16,139)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>More than or Less than (\$52,715)</u>	<u>More than or Less than (\$62,072)</u>	<u>More than or Less than (\$62,389)</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

The bill specifies that a court must order a person found guilty of the offense of sex with an animal to submit to and pay for a comprehensive evaluation conducted by a licensed mental health professional prior to the person's sentencing. The court will use the evaluation to determine appropriate sentencing. If the court determines that the defendant is indigent, the state will pay for the evaluation. If the evaluation recommends treatment, the defendant will be ordered to complete an appropriate treatment program, as determined by the court, designed to address the underlying causative factors.

The bill also establishes that a person commits the offense of animal neglect if the person has a hoarding disorder causing the accumulation of custody or ownership of animals. The offense of

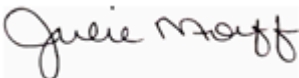
animal neglect because of a hoarding disorder is a class C misdemeanor, unless the person has previously been found guilty of animal hoarding, in which case it is a class E felony. A court must order a person who has pled guilty or been found guilty of the offense of animal neglect due to having a hoarding disorder to submit to and pay for a comprehensive evaluation conducted by a licensed mental health professional prior to the person's sentencing. The court will use the evaluation to determine appropriate sentencing. If the court determines that the defendant is indigent, the state will pay for the evaluation. If the evaluation recommends treatment, the defendant will be ordered to complete an appropriate treatment program, as determined by the court, designed to address the underlying causative factors.

The bill specifies that a person who is found guilty of the offense of animal abuse must be ordered by the court to submit to and pay for a comprehensive evaluation conducted by a licensed mental health professional prior to the person's sentencing. The court will use the evaluation to determine appropriate sentencing. If the court determines that the defendant is indigent, the state will pay for the evaluation. If the evaluation recommends treatment, the defendant will be ordered to complete an appropriate treatment program, as determined by the court, designed to address the underlying causative factors.

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

Attorney General's Office
Department of Corrections
Department of Mental Health
Department of Public Safety – Missouri Highway Patrol
Missouri Department of Agriculture
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender



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March 2, 2021



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