

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2205H.02C
Bill No.: HCS for HB 910
Subject: Crimes and Punishment; Criminal Procedure; Animals
Type: Original
Date: April 25, 2025

Bill Summary: This proposal establishes "Brown's law", which creates the offense of making a malicious false report of animal abuse and modifies the offense of animal abuse.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue	(\$8,737)	(\$21,389)	(\$21,817)
Total Estimated Net Effect on General Revenue	(\$8,737)	(\$21,389)	(\$21,817)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
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 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
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 2026	FY 2027	FY 2028
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§578.006 and 578.012 – Brown’s law to create offense of making malicious false report of animal abuse

Officials from the **Department of Corrections (DOC)** state HB 910 establishes Brown’s Law, which creates the offense of making a malicious false report of animal abuse and modifies the offense of animal abuse.

Section 578.006 creates the offense of making a malicious false report of animal abuse, a class C misdemeanor. Section 578.012 is modified to expand the offense of animal abuse if the suffering an animal endures is the result of starvation or dehydration knowingly inflicted, a class A misdemeanor, unless the person has previously been found guilty of animal abuse, in which case it is a class E felony.

As misdemeanors fall outside the purview of DOC, there is no impact to DOC for the offense resulting in the class C misdemeanor or the offense resulting in the class A misdemeanor. The offense resulting in a class E felony would be considered a new crime. As there is little direct data on which to base an estimate, the department estimates an impact comparable to the creation of a new class E felony.

For each new nonviolent class E felony, the DOC estimates one person could 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 could be served in prison with 1.4 years to first release. The remaining 1.3 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the DOC is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2028.

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

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
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

* If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$28.73 per day or an annual cost of \$10,485 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$100.25 per day or an annual cost of \$36,591 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases 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.

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$10,485)	(\$8,737)	0	\$0	2	(\$8,737)
Year 2	2	(\$10,485)	(\$21,389)	0	\$0	4	(\$21,389)
Year 3	2	(\$10,485)	(\$21,817)	0	\$0	7	(\$21,817)
Year 4	2	(\$10,485)	(\$22,254)	0	\$0	7	(\$22,254)
Year 5	2	(\$10,485)	(\$22,699)	0	\$0	7	(\$22,699)
Year 6	2	(\$10,485)	(\$23,153)	0	\$0	7	(\$23,153)
Year 7	2	(\$10,485)	(\$23,616)	0	\$0	7	(\$23,616)
Year 8	2	(\$10,485)	(\$24,088)	0	\$0	7	(\$24,088)
Year 9	2	(\$10,485)	(\$24,570)	0	\$0	7	(\$24,570)
Year 10	2	(\$10,485)	(\$25,061)	0	\$0	7	(\$25,061)

Oversight has no information to the contrary. Therefore, Oversight will present the fiscal impact of this proposal as provided by the DOC.

In response to the previous version of this proposal, officials from the **Office of the State Public Defender (SPD)** stated per the National Public Defense Workload Study the new charge contemplated by this change to §§578.006 and 578.012 would take up to approximately twenty-two hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional attorney. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel and litigation expenses. However, if the charge was classified as a class D misdemeanor no jail time would be authorized and the cases would not qualify for SPD representation.

Oversight assumes this proposal will not create the number of new cases required to request additional FTE for the SPD and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to the previous version of this proposal, officials from the **Missouri Office of Prosecution Services (MOPS)** stated this proposal has no measurable fiscal impact to MOPS. However, the enactment of a new crime (§578.006) creates additional responsibilities for county prosecutors and the circuit attorney which may in turn result in additional costs which are difficult to determine.

Officials from the **Office of the State Courts Administrator**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Department of Agriculture**, the **City of Kansas City**, the **City of O’Fallon**, the **Phelps County Sheriff**, the **Kansas City Police Department**, the **Branson Police Department** and the **St. Louis County Police Department** 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 only reflects the responses received from state agencies and political subdivisions; however, other cities, various county officials and local law enforcement agencies were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE FUND			
<u>Costs</u> - DOC (\$578.012) – increase in incarceration and probation and parole costs p.3-5	(\$8,737)	(\$21,389)	(\$21,817)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$8,737)</u>	<u>(\$21,389)</u>	<u>(\$21,817)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
	<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

Under the bill, a person commits the offense of making a malicious false report of animal abuse if the person purposely makes a report that is known to be false with the purpose of causing a disruption, harassment, monetary loss, or disturbance of the peace of the owner of the animal. This offense is a class C misdemeanor. It is an absolute defense for a prosecution of the offense if the reporting party reported an incident of animal abuse out of good faith, with reasonable belief that an animal was being abused.

Additionally, this bill modifies the offense of animal abuse to provide that it is a class E felony if the suffering of an animal is the result of starvation or dehydration, in addition to torture or mutilation, and that has been knowingly, instead of consciously, inflicted while the animal was alive.

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 Corrections
Department of Public Safety - Missouri Highway Patrol
Missouri Department of Agriculture
Office of the State Public Defender
City of Kansas City
Phelps County Sheriff
Branson Police Department
Kansas City Police Department
St. Louis County Police Department
Missouri Office of Prosecution Services
Office of the State Courts Administrator



Julie Morff
Director
April 25, 2025



Jessica Harris
Assistant Director
April 25, 2025