

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4194H.02I
 Bill No.: HB 2436
 Subject: Agriculture
 Type: Original
 Date: January 16, 2026

Bill Summary: This proposal modifies provisions relating to the impoundment of animals.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Oversight assumes MHP and OSCA could experience increased duties. Oversight assumes the costs would be less than \$250,000.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
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 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
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 2027	FY 2028	FY 2029
Local Government*	(Unknown)	(Unknown)	(Unknown)

*Oversight assumes law enforcement agencies could incur some costs related to the care of confiscated animals.

FISCAL ANALYSIS

ASSUMPTION

§578.018 – Confiscation of Animals

Officials from the **Missouri Department of Agriculture** 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

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO 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 AGO for fiscal note purposes.

Officials from the **Office of the State Courts Administrator (OSCA)** state HB 2436 may have some impact but there is no way to quantify that amount currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 or (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Missouri Highway Patrol (MHP)** state that as outlined in §578.018.1 and §578.018.5, the Highway Patrol could be liable for costs related to the care of confiscated animals in connection with a criminal investigation. The fiscal impact to the Patrol could range from zero to unknown due to the many variables associated with the proposed legislation, such as the number and type of animals and the length of time for adjudication of a case, or cases.

Oversight does not have information to the contrary and therefore, Oversight will reflect a zero or unknown cost to MHP on the fiscal note. For fiscal note purposes, Oversight will assume the unknown fiscal impact will be less than \$250,000.

In response to similar legislation, HCS HB 489 (2025), officials from **Missouri Office of Prosecution Services (MOPS)** assumed there is no measurable fiscal impact to MOPS. The

enactment of a new crime [578.018.7] creates additional responsibilities for county prosecutors and the circuit attorney which may in turn result in additional costs which are difficult to determine

In response to similar legislation, HCS HB 489 (2025), officials from the **Branson Police Department** stated that this legislation could add unnecessary cost to the department as the department may do everything correctly but a jury may still acquit a subject who had their animal confiscated. The standard for determining confiscating agency liability for the cost of boarding or vet bills should be probable cause. If a court determines that probable cause for charges exists, the confiscating agency should not incur these costs as they are acting in good faith and via the legal requirements. The agency should only bear this burden if acting negligently or with malicious intent.

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.

Officials from the **Phelps County Sheriff, Kansas City Police Department, St. Louis County Police Department**, and the **Newton County Health 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 that we have received from state agencies and political subdivisions; however, other sheriffs, police departments and local political subdivisions were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE*			
<u>Cost</u> – MHP (§578.018) Increased duties in the animal confiscation process p.3	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost</u> – OSCA (§578.018) Increased duties related to the animal confiscation procedures p.3	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Oversight assumes MHP and OSCA could experience increased duties. Oversight assumes the costs would be less than \$250,000.

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
LOCAL POLITICAL SUBDIVISIONS*			
<u>Revenue</u> - Animal Rescue Facilities (§578.018) Bond or security for animal care costs from the animal owner	Unknown	Unknown	Unknown
<u>Cost</u> - Animal Rescue Facilities (§578.018) Care of animals held until final disposition of charges and acquittal or inability to pay	(Unknown)	(Unknown)	(Unknown)
<u>Cost</u> - Law Enforcement Agencies (§578.018) Increased duties in the animal confiscation process	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	(Unknown)	(Unknown)	(Unknown)

*Oversight assumes law enforcement agencies could incur some costs related to the care of confiscated animals.

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 changes the laws regarding the impoundment of animals. In its main provisions, the bill:

- (1) Specifies that a law enforcement official can seek a warrant to enter private property to inspect, care for, or impound neglected or abused animals. Currently, either a law enforcement official or a duly authorized public health official can seek the warrant;
- (2) Prohibits an animal from being 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 impounded animals;
- (4) Specifies that the owner of any animal that has been impounded cannot be responsible for the animal's care and keeping prior to a disposition hearing if at the hearing, there is no finding of abuse or neglect by the court and the court orders the animals returned to the owner;
- (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 impounded because of neglect or abuse would like to prevent disposition of the animal after the disposition hearing and while the criminal case proceeds. Currently, the owner, custodian, or any person claiming an interest in an animal that has been impounded because of neglect or abuse can 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 impounded 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 act or abuse of the animal which occurs while the animal is in its care, custody, and control;
- (7) Specifies that in the event that an animal owner is not liable for the costs incurred while the charges were pending, the costs of care and the liability for the life or death of the animal and medical procedures performed are the responsibility of the confiscating agency;
- (8) 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 must not be liable for any costs incurred relating to the placement or care of the animal while the charges were pending unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence; and

(9) 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 must be subject to licensure sanction by its governing body.

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
Missouri Highway Patrol
Missouri Department of Agriculture
Office of the State Courts Administrator
Newton County Health Department
Phelps County Sheriff Department
Branson Police Department
Kansas City Police Department
St Louis County Police Department
Missouri Office of Prosecution Services



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January 16, 2026



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January 16, 2026