

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4194H.02P
 Bill No.: Perfected HB 2436
 Subject: Agriculture
 Type: Original
 Date: April 15, 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*	(\$55,615 to Unknown)	(\$136,146 to Unknown)	(\$162,013 to Unknown)
Total Estimated Net Effect on General Revenue	(\$55,615 to Unknown)	(\$136,146 to Unknown)	(\$162,013 to Unknown)

*DOC notes that current capacity will be met by July 2029 (FY 2030) or potentially much sooner. Therefore, Oversight has made the decision to reflect the marginal cost of incarceration up to an unknown cost if DOC needs to add staff and/or rehabilitate, expand or construct additional capacity. Oversight assumes the unknown cost has the potential to exceed \$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

House Amendment 3 (HA3) §578.009 - Animal Neglect

Officials from the **Department of Corrections (DOC)** stated §578.009 is modified so that animal neglect becomes a felony offense under certain circumstances. These include when failure to provide adequate care or control results in:

- property damage exceeding \$750 in value
- serious physical injury to another person
- death of another person

Animal neglect that results in damage to another person's property that exceeds \$750 in value would become a class E nonviolent felony.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class E felony.

For each new nonviolent class E felony, the department 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, with 1.4 years to first release. 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 2029.

Animal neglect that results in serious physical injury to another person would become a class E nonviolent felony.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class E felony.

For each new nonviolent class E felony, the department 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, with 1.4 years to first release. 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 2029.

Animal neglect that results in the death of another person would become a class D nonviolent felony.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class D felony. For each new nonviolent class D felony, the department estimates three people will be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years with 1.7 years to first release. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2029.

In response to similar legislation, HCS for HB 1714 (2026), 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 Section 578.009(2)(2) where there is property damage, it would take approximately fourteen hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, effective 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.

Where there is a physical injury as contemplated by the change to 578.009(2)(3), per the National Public Defense Workload Study, it would take approximately twenty-two hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, effective 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.

Where there is serious physical injury, per the National Public Defense Workload Study, the new charge contemplated by the change to Section 578.009(2)(4) would take approximately thirty-five 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 one to two attorneys. 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.

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 similar legislation, HCS for HB 1714 (2026), from the **Office of Attorney General (AGO)** assumed 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.

In response to similar legislation, HCS for HB 1714 (2026), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact to MOPS. The enactment of new crimes create additional responsibilities for county prosecutors and the circuit attorney that may in turn result in additional costs that are difficult to determine.

House Amendment 2 (HA2) - §§578.006 and 578.012 - Animal Abuse

Officials from the **Department of Corrections (DOC)** state that this proposal expands the offense of animal abuse to include starvation knowingly inflicted on an animal. The penalty is a class E felony.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class E felony.

For each new nonviolent class E felony, the department 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, with 1.4 years to first release. 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 2029.

In response to similar legislation, HCS for HB 2904 (2026), officials from the **Office of the State Public Defender (SPD)** stated per the National Public Defense Workload Study, the new charge contemplated by the addition of the new section 578.006, would take approximately fourteen 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 similar legislation, HCS for HB 2904 (2026), officials from the **Office of Attorney General (AGO)** assumed 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.

In response to similar legislation, HB 910 (2025), 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.

§578.018 – Confiscation of Animals

In response to a previous version, officials from the **Office of Attorney General (AGO)** assumed 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.

In response to a previous version, officials from the **Office of the State Courts Administrator (OSCA)** stated the proposal 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

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.

House Amendment 1 to House Amendment 3 (HA1 to HA3) - §578.022 - Exemption of Police K9's

Oversight notes that this section adds §578.009 into the current language. Oversight assumes this amendment will not have any additional impact. Therefore, Oversight will reflect zero impact in the fiscal note.

House Amendment 2 to House Amendment 3 (HA2 to HA3)- §273.100 - Impounding of Animals by City Marshals

Oversight notes that this section is repealed.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Corrections (DOC)** state that:

Combined Cumulative Estimated Impact

The combined cumulative impact of this legislation would be 14 more offenders in prison and 37 more offenders in field supervision by FY 2029.

The department assumes a marginal cost (times number of offenders) to unknown, depending on the underlying offender population. If DOC exceeds the current capacity, additional capacity will need to be constructed.

	# 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	6	(\$11,123)	(\$55,615)	0	\$0	11	(\$55,615)
Year 2	12	(\$11,123)	(\$136,146)	0	\$0	22	(\$136,146)
Year 3	14	(\$11,123)	(\$162,013)	0	\$0	37	(\$162,013)
Year 4	14	(\$11,123)	(\$165,253)	0	\$0	40	(\$165,253)
Year 5	14	(\$11,123)	(\$168,559)	0	\$0	43	(\$168,559)
Year 6	14	(\$11,123)	(\$171,930)	0	\$0	43	(\$171,930)
Year 7	14	(\$11,123)	(\$175,368)	0	\$0	43	(\$175,368)
Year 8	14	(\$11,123)	(\$178,876)	0	\$0	43	(\$178,876)
Year 9	14	(\$11,123)	(\$182,453)	0	\$0	43	(\$182,453)
Year 10	14	(\$11,123)	(\$186,102)	0	\$0	43	(\$186,102)

The department will assume a marginal cost (multiplied by number of offenders) for any projected increase or decrease in the incarcerated population. Marginal cost is \$30.47 per day or an annual cost of \$11,123 per offender which includes costs such as medical, food, wages and operational E&E. The unknown amount is a result of the uncertainty in the growth of the underlying offender population. The impact of any new legislation combined with the growth of the underlying population could result in the tiered approach below in order to meet the population demands.

1. Fully staffing the current capacity (27,368) which is habitable, but DOC does not have the staffing resources for all bed space.
2. Rehabilitating current space that is not currently habitable and obtaining staffing resources for that space (requires capital improvements).
3. Expanding new capacity by adding housing units or wings to existing prisons and obtaining staffing resources for that space (requires capital improvements).
4. Constructing a new prison and obtaining staffing resources. Based on current construction projects in other Midwest states, the department estimates the cost of constructing a new 1,500-bed maximum security prison at approximately \$825 million to \$900 million plus annual operating costs of approximately \$50 million (requires capital improvements).

The department's population projections indicate current physical capacity will be met by July 2029; however recent trends indicate that capacity could be met much sooner. Should new construction be the result of the increasing offender population, the full cost per day per offender would be used which is \$106.96 or an annual cost of \$39,040. This includes all items in the marginal cost calculation plus fringe, personal service, utilities, etc.

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.

* 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.

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

Officials from the **Missouri Department of Agriculture, Phelps County Sheriff, Branson Police Department, 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.

In response to similar legislation, HCS for HB 1714 (2026), officials from the **Department of Commerce and Insurance** and **Missouri Department of Conservation,** and the **Blue Springs Police Department** each assumed that 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 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 – DOC (§§578.009, 578.012)</u> Increased incarceration costs (Animal Neglect and Abuse) p.3-7, 9-10	(\$55,615 to Unknown)	(\$136,146 to Unknown)	(\$162,013 to Unknown)
<u>Cost – MHP (§578.018)</u> Increased duties in the animal confiscation process p.3	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost – OSCA (§578.018)</u> 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	(\$55,615 to Unknown)	(\$136,146 to Unknown)	(\$162,013 to Unknown)

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

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

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Commerce and Insurance
Department of Public Safety - Missouri Highway Patrol
Missouri Department of Agriculture
Missouri Department of Conservation
Office of the State Courts Administrator
Office of the State Public Defender
Newton County Health Department
Blue Springs Police Department
Branson Police Department
Kansas City Police Department
Phelps County Sheriff Department
St Louis County Police Department
Missouri Office of Prosecution Services



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