

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5048H.02C
 Bill No.: HCS for HB 1714
 Subject: Crimes and Punishment; Criminal Procedure; Animals
 Type: Original
 Date: March 5, 2026

Bill Summary: This proposal modifies the offense of animal neglect.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$138,868 to Unknown)
Total Estimated Net Effect on General Revenue	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$138,868 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	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§578.009 – Animal Neglect

Officials from the **Department of Corrections (DOC)** state this proposal modifies the offense of animal neglect.

Section 578.009 enhances the offense of animal neglect to include failing to provide adequate care or adequate control that results in property damage of another, a class B misdemeanor. If such damage exceeds \$750, it is a class E felony; if it results in physical injury, it is a class A misdemeanor; if it results in serious physical injury, it is a class E felony; if it results in death to a person, it is a class D felony.

As misdemeanors fall outside the purview of DOC, there is no impact to DOC for the offenses resulting in the class A or class B misdemeanor. The offenses resulting in a class E or class D 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 two new class E felonies and one new class D 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, 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 4 additional offenders in prison and 14 additional offenders on field supervision by FY 2029.

For each new nonviolent class D felony, the department estimates three people could be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. 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.

Combined Cumulative Estimated Impact

The cumulative impact on the department is estimated to be 12 additional offenders in prison and 30 additional offenders on 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	5	(\$11,123)	(\$46,346)	0	\$0	9	(\$46,346)
Year 2	10	(\$11,123)	(\$113,455)	0	\$0	18	(\$113,455)
Year 3	12	(\$11,123)	(\$138,868)	0	\$0	30	(\$138,868)
Year 4	12	(\$11,123)	(\$141,646)	0	\$0	33	(\$141,646)
Year 5	12	(\$11,123)	(\$144,479)	0	\$0	36	(\$144,479)
Year 6	12	(\$11,123)	(\$147,368)	0	\$0	36	(\$147,368)
Year 7	12	(\$11,123)	(\$150,316)	0	\$0	36	(\$150,316)
Year 8	12	(\$11,123)	(\$153,322)	0	\$0	36	(\$153,322)
Year 9	12	(\$11,123)	(\$156,388)	0	\$0	36	(\$156,388)
Year 10	12	(\$11,123)	(\$159,516)	0	\$0	36	(\$159,516)

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 **Office of the State Public Defender (SPD)** state 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 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 **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.

Officials from the **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, Phelps County Sheriff, Branson Police Department, Kansas City Police Department, and St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Blue Springs Police Department** assumed 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 for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other local law enforcement 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) Increased incarceration costs p.3-5</u>	(\$46,346 to <u>Unknown</u>)	(\$113,455 to <u>Unknown</u>)	(\$138,868 to <u>Unknown</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$46,346 to <u>Unknown</u>)	(\$113,455 to <u>Unknown</u>)	(\$138,868 to <u>Unknown</u>)

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

OFFENSE OF ANIMAL NEGLECT (Section 578.009)

This bill modifies the offense of animal neglect to include a person who has custody or ownership of an animal, other than livestock, and fails to provide adequate control.

If a person fails to provide adequate care or control that results in:

- (1) Property damage, it is a class B misdemeanor, unless the damage exceeds \$750, then it is a class E felony;
- (2) Physical injury to a person, it is a class A misdemeanor;
- (3) Serious physical injury to a person, it is a class E felony; or
- (4) Death to a person , it is a class D felony.

The bill also repeals a provision allowing the court to waive all fines and penalties for the first finding of guilt if the person shows that the adequate, permanent remedies have been made.

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 Commerce and Insurance
Department of Corrections
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
Missouri Office of Prosecution Services
Phelps County Sheriff
Blue Springs Police Department
Kansas City Police Department
St. Louis County Police Department
Branson Police Department



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