

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3382-01  
Bill No.: SB 834  
Subject: Agriculture and Animals; Courts; Crimes and Punishment; Law Enforcement  
 Officers and Agencies; Liability; Search and Seizure  
Type: Original  
Date: February 22, 2008

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Bill Summary: The proposal creates penalties for owners of dogs that injure people or property and creates an absolute defense against civil liability or prosecution for killing a dog in certain circumstances.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>       |                              |                              |                              |
|---|------------------------------|------------------------------|------------------------------|
| FUND AFFECTED   | FY 2009                      | FY 2010                      | FY 2011                      |
| General Revenue   | (Less than \$100,000)        | (Less than \$100,000)        | (Less than \$100,000)        |
|   |                              |                              |                              |
| <b>Total Estimated Net Effect on General Revenue Fund</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2009    | FY 2010    | FY 2011    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 6 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2009</b> | <b>FY 2010</b> | <b>FY 2011</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2009</b> | <b>FY 2010</b> | <b>FY 2011</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>0</b>       | <b>0</b>       | <b>0</b>       |

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                  |                  |                  |
|--|------------------|------------------|------------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2009</b>   | <b>FY 2010</b>   | <b>FY 2011</b>   |
| <b>Local Government</b>                    | <b>(Unknown)</b> | <b>(Unknown)</b> | <b>(Unknown)</b> |

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Agriculture, Department of Public Safety – Director’s Office**, and the – **Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** assume they cannot currently predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY07 average of \$41.21 per inmate per day, or an annual cost of \$15,040 per inmate) or through supervision provided by the Board of Probation and Parole (FY07 average of \$2.43 per offender per day, or an annual cost of \$887 per offender).

At this time, the DOC is unable to determine the number of people who would be convicted under the provisions of this bill and therefore the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum-security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seven (7) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** assume it is unclear to what extent this proposed legislation would impact county prosecutors. Any new criminal legislation creates the potential that additional cases will be referred to prosecutors for criminal charges. In the absence of estimates as to the number of additional cases referred to prosecutors, the potential fiscal impact to county prosecutors cannot be determined. OPS assumes this legislation would not have any significant fiscal impact on the OPS.

**Oversight** assumes county prosecutors could absorb any increase in cases referred to prosecutors within existing resources.

Officials from the **Office of the State Public Defender (SPD)** assume increasing penalties on existing crimes, or creating new crimes, will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

**Oversight** assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

Officials from the **Boone County Sheriff's Department** assume they will incur costs for the acquisition of animal apprehension equipment for county sheriff's deputies. Officials assume costs will be incurred by county sheriffs for the purchase of suitable and humane structures to hold/house seized animals as well as costs to feed and care for seized animals, including paying the salary of an individual within a sheriff's department designated to care for the animals. Officials assume these costs will be substantial and ongoing.

**Oversight** assumes county sheriffs will incur increased costs as a result of the proposal. Oversight assumes the statewide costs to be unknown, as the number of animals that may be seized can not be determined.

**Officials from the Greene County Sheriff's Department, Jackson County Sheriff's Department, and the St. Louis County Police Department did not respond to Oversight's request for fiscal impact.**

| <u>FISCAL IMPACT - State Government</u>                 | FY 2009<br>(10 Mo.)                     | FY 2010                                 | FY 2011                                 |
|---|---|---|---|
| <b>GENERAL REVENUE FUND</b>                             |   |   |   |
| <u>Costs – Department of Corrections</u>                |   |   |   |
| Incarceration/probation costs                           | <u>(Less than<br/>\$100,000)</u>        | <u>(Less than<br/>\$100,000)</u>        | <u>(Less than<br/>\$100,000)</u>        |
| <b>ESTIMATED NET EFFECT ON<br/>GENERAL REVENUE FUND</b> | <b><u>(Less than<br/>\$100,000)</u></b> | <b><u>(Less than<br/>\$100,000)</u></b> | <b><u>(Less than<br/>\$100,000)</u></b> |

| <u>FISCAL IMPACT - Local Government</u>                   | FY 2009<br>(10 Mo.)     | FY 2010                 | FY 2011                 |
|---|-------------------------|-------------------------|-------------------------|
| <b>POLITICAL SUBDIVISIONS</b>                             |                         |                         |                         |
| <u>Costs – County Sheriff’s Departments</u>               |                         |                         |                         |
| Animal hold costs   | <u>(Unknown)</u>        | <u>(Unknown)</u>        | <u>(Unknown)</u>        |
| <b>ESTIMATED NET EFFECT ON<br/>POLITICAL SUBDIVISIONS</b> | <b><u>(Unknown)</u></b> | <b><u>(Unknown)</u></b> | <b><u>(Unknown)</u></b> |

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation provides when a dog that has previously bitten a person or domestic animal without provocation, subsequently bites a person or domestic animal again, the owner shall be guilty of a class B misdemeanor. However, if the offense results in severe injury it shall be a class A misdemeanor, or if it results in death it shall be a class C felony. Any such dog, or a dog that inflicts severe injury or death on the first biting occasion, shall be seized by the animal control authority or county sheriff who shall notify the dog’s owner in writing. The dog shall be impounded for ten business days after notice has been provided to the owner, after which time the dog shall be destroyed.

FISCAL DESCRIPTION (continued)

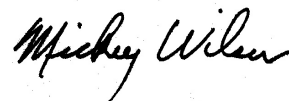
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture  
Office of State Courts Administrator  
Department of Corrections  
Department of Public Safety  
    – Director’s Office  
    – Missouri State Highway Patrol  
Office of Prosecution Services  
Office of the State Public Defender  
Boone County Sheriff’s Department

NOT RESPONDING

**Greene County Sheriff’s Department**  
**Jackson County Sheriff’s Department**  
**St. Louis County Police Department**



Mickey Wilson, CPA  
Director  
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