

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4168-01  
Bill No.: SB 721  
Subject: Agriculture and Animals; Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: December 31, 2015

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Bill Summary: This proposal modifies the crime of animal trespass.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<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 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</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 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of animal or livestock trespassing. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials at the **Department of Conservation** assume this proposal will have an unknown negative fiscal impact as it will impact conservation agent work activities when they receive calls to enforce the provisions.

**Oversight** assumes the Department of Conservation can absorb any fiscal impact from this proposal.

Officials at the **Office of Prosecution Services** assume this proposal will have no measurable fiscal impact to their organization. The creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional cost which are difficult to determine.

Officials at the **Office of State Courts Administrator, Department of Agriculture, Department of Public Safety - Highway Patrol, and Department of Corrections** each assume this proposal will not have a fiscal impact on their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal could have a negative fiscal impact to small businesses providing shelter and basic needs to animals or livestock.

FISCAL DESCRIPTION

Currently, the crime of animal trespass is defined as a person having ownership of an animal who fails to provide adequate control of the animal for a period of 12 hours or more.

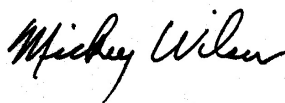
Under this act, a person commits the offense of animal or livestock trespass by either failing to provide adequate control of any animal except livestock when the animal trespasses on another person's property or failing to provide adequate control of livestock for a period of 12 hours or more when the animal trespasses on another person's property.

In addition, this act removes the maximum fines that may be charged for animal or livestock trespass, which potentially conflict with another provision of law setting the maximum fines for infractions and Class C misdemeanors. This act repeals a provision stating that reasonable costs for the care and maintenance of trespassing animals may not be waived.

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  
Department of Conservation  
Office of State Courts Administrator  
Office of State Public Defender  
Office of Prosecution Services  
Department of Public Safety - Highway Patrol  
Department of Corrections



Mickey Wilson, CPA  
Director

Ross Strope  
Assistant Director

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