

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1494-01
Bill No.: SB 331
Subject: Animals; Bonds - Surety; Law Enforcement Officers and Agencies; Veterinarians
Type: Original
Date: February 9, 2017

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

In response to a similar proposal from 2016 (HB 1969), officials at the **Department of Agriculture (AGR)** assumed the proposal could have a negative fiscal impact on their organization of unknown up to \$4.6 million and references a similar proposal from the 2015 session (HB 79) for the basis of their assumption.

In response to a similar proposal from the 2015 session (HB 79) AGR provided the following:

AGR assumed if the department was designated as the third party approved by the court or required in any way to care for confiscated animals costs to build and maintain such an animal care facility would be approximately \$4.6 million.

AGR assumed any political subdivision impounding animals for the purposes of ensuring their protection from abuse, neglect, or cruelty would be impacted by additional costs of keeping and caring for the animals.

AGR assumed the proposal could require the AGR, Animal Care Facilities Act Program, to expand the program by constructing and staffing a shelter for animals taken under the authority of a warrant for the purpose of care and maintenance of the animals pending acquittal, conviction, or final discharge of the owner.

AGR assumed the proposal could require an animal shelter with a holding capacity of 450 animals at a cost of \$4,566,903 to be built, plus operating and maintenance costs in FY 2016. FTE and maintenance costs would be \$654,251 in FY 17 and \$661,284 in FY 18. These costs include one (1) Veterinarian I, nine (9) Animal Health Officers, and one (1) administrative assistant to staff the shelter and carry out the provisions of this proposed legislation.

AGR assumed all animals would be affected (e.g. horses, cows, exotic animals, etc.). However, the estimated costs are based on dogs only. Total costs for all species are unknown.

AGR notes, the state of Missouri has 243 municipal or local government dog pounds, 248 non-profit licensees listed as animal shelters, contract kennels, or rescues, and one for profit animal shelter.

Oversight assumes under current law, AGR, along with local law enforcement, facilitates the removal and placement of animals subject to a warrant and seizure. This proposal requires an initial disposition hearing within the first 10 days of the confiscation by the authority through which the warrant was issued.

ASSUMPTION (continued)

Oversight assumes this proposal requires reasonable bond or security by the animal owner to be posted within 72 hours of the disposition hearing for all animal board costs while the animal is held in custody until final disposition or dismissal of the case. Upon conviction the animal owner is liable for all costs related to the removal and care of the animal.

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.

Oversight was unable to receive a response from **Department of Agriculture** in a timely manner due to the short response request time for the fiscal note. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

Oversight will show a \$0 to unknown negative fiscal impact based on the potential costs related to increased caseloads for county prosecutors and cost of care for confiscated animals by county law enforcement agencies.

For the purpose of this proposed legislation, officials from 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 euthanasia by intentionally euthanizing or sterilizing an animal in their temporary custody (a new class B misdemeanor). Subsequent offenses would be enhanced to a class A misdemeanor.

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 in all cases where the right to counsel attaches.

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

Officials at the **Office of Prosecution Services** assume this proposal will not have a fiscal impact on their organization but notes the creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine.

ASSUMPTION (continued)

Officials at the **Cole County Office of Sheriff (CCOS)** assume this proposal could have a negative fiscal impact on their organization. CCOS states, if they were to confiscate an animal and a deal is worked out with the prosecutor, CCOS would be left with the cost of care for the animal which could be substantial over a year's period of time.

Officials at the **Department of Public Safety - Highway Patrol (DPS-MHP)** assume this proposal would not have a fiscal impact to their organization.

DPS-MHP states, there will be a cost to house and provide care to any animal taken into custody. The exact cost will depend on the type of animal, duration of the housing and any medical treatment the animal might require. The owner would only be responsible for those costs if he/she is convicted. The Highway Patrol believes the impact will be minimal and can be absorbed.

Officials at the **Department of Conservation**, the **Department of Corrections**, the **Department of Natural Resources**, and the **Office of State Courts Administrator** each assume this proposal will not have a fiscal impact on their respective organizations.

Officials at the **St. Louis County Department of Justice Services** and **Springfield Police Department** each assume this proposal will not have a fiscal impact on their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020

LOCAL POLITICAL SUBDIVISIONS

Costs - Confiscated Animals

Legal - County Prosecutors	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Animal Care - Law Enforcement Agencies	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Costs	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Currently, any authorized public health or law enforcement official may seek a warrant to enter property in order to impound neglected or abused animals. Under this act, only law enforcement officials may seek such warrant to enter property in order to confiscate neglected or abused animals as set forth in the warrant.

Currently, a person acting under the authority of a warrant shall be given a disposition hearing within 30 days of the filing request for the purpose of granting disposition of the animal. Under this act, a person acting under the authority of a warrant shall appear at a disposition hearing within 10 days of confiscation. This act also allows a person acting under the authority of a warrant to place animals in the care or custody of a third party approved by the court if such third party is available. The owner of any animal that has been confiscated shall not be responsible for the animal's care prior to the disposition hearing if the owner is acquitted.

Currently, the owner of an impounded animal may prevent disposition of the animal by posting bond in an amount to cover such animal's care and keeping. Under this act, after completion of a disposition hearing, the owner may prevent disposition of the animal after the disposition hearing and until the final judgment by posting reasonable bond within 72 hours of the disposition hearing in an amount consistent with the fair market cost of boarding such animal.

Currently, the authority taking custody of an animal shall give notice of the bond posting option and animal impoundment provisions of law by posting a copy of the law at the place where the animal was taken into custody or by delivering a copy to a person residing on the property where the animal was obtained. Under this act, the provision allowing notice to be served by posting a copy of the law at the place where the animal was taken into custody is repealed.

All animals confiscated under this act shall receive proper care. Any facility or organization shall be liable to the animal owner for any abuse while the animal was in the care of such facility or organization. Under this act, if the confiscated animal's owner is not liable for the costs and care of the animal while charges were pending, such costs shall be paid by the confiscating agency and the owner may demand return of the animal held in custody.

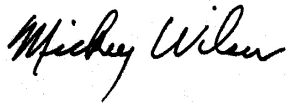
This act creates the crime of animal euthanasia if he or she intentionally euthanizes or sterilizes an animal prior to a disposition hearing or during any period for which reasonable bond was secured for the animal's care under this act. The crime of animal euthanasia is punishable as a Class B misdemeanor for the first offense, and a Class A misdemeanor for any subsequent offenses.

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 Prosecution Services
State Public Defender's Office
Cole County Office of Sheriff
Department of Public Safety - Highway Patrol
Department of Conservation
Department of Corrections
Department of Natural Resources
Office of State Courts Administrator
St. Louis County Department of Justice Services
Springfield Police Department



Mickey Wilson, CPA
Director
February 9, 2017

Ross Strobe
Assistant Director
February 9, 2017