

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5364-01  
Bill No.: SB 817  
Subject: Animals; Bonds - Surety; Courts; Crimes and Punishment; Law Enforcement Officers and Agencies; Search and Seizure; Veterinarians  
Type: Original  
Date: February 2, 2018

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<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>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<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 2019</b>	<b>FY 2020</b>	<b>FY 2021</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 2019</b>	<b>FY 2020</b>	<b>FY 2021</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 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Local Government</b>	<b>Unknown to (Unknown)</b>	<b>Unknown to (Unknown)</b>	<b>Unknown to (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Agriculture** assume this proposal will have no fiscal impact unless their organization is required to house and care for the impounded animals.

Officials from the **Missouri Department of Conservation, Department of Natural Resources, Department of Corrections, Department of Public Safety - Missouri Highway Patrol, Department of Health and Senior Services, Office of the State Public Defender and Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources. AGO may seek additional appropriations if there is a significant increase in litigation.

Officials at the **Office of the State Courts Administrator** assume the fiscal impact of this proposal is unknown. There may be some impact but there is no way to quantify the impact at this time. Any significant changes will be reflected in future budget requests.

Officials from the **Joplin Police Department** state currently, the local health department is in control of the Animal Control Officers (ACO's). The ACO's are civilians and are not commissioned peace officers as defined in state statute. They currently have the ability to request and obtain search warrants through the City Judge in order to remove animals that need to be removed. If this ability is taken away from them, then that would fall to the police department which would have a negative fiscal impact.

Officials from the **St. Louis County Department of Justice Services** and the **Boone County Sheriff's Department** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** notes the proposal, in §578.018.2(3), states that if the court finds that an animal was not lawfully impounded, the owner of that animal shall not be responsible for the costs of the animal's care, custody, or keeping. Therefore, Oversight will reflect a \$0 or (Unknown) cost to the local confiscating agency. Also, in §578.018.4, the court may require additional bonding for continued care of the animals. Oversight will reflect an impact of \$0 or Unknown from this.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2019 (10 Mo.)	 FY 2020	 FY 2021
<u>LOCAL POLITICAL SUBDIVISIONS</u>			
<u>Revenue - Animal Rescue Facilities - Additional bond or security for animal care costs from the animal owner</u>	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
 <u>Cost - Animal Rescue Facilities - Care of animals if courts find the animals were not lawfully impounded</u>	 \$0 or (Unknown)	 \$0 or (Unknown)	 \$0 or (Unknown)
 <b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	 <b><u>Unknown to (Unknown)</u></b>	 <b><u>Unknown to (Unknown)</u></b>	 <b><u>Unknown to (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

Currently, any public health official or law enforcement official may seek a warrant to inspect, care for, or impound neglected or abused animals. This act instead requires that such warrant be sought by a peace officer, and requires that such warrant be signed, witnessed, and accompanied by a probable cause affidavit. Further, such warrant may also be issued if the officer believes that the animal is involved in dogfighting.

Currently, an animal disposition hearing shall occur within 30 days of impoundment. Under this act, the disposition hearing shall occur within 10 days for the purpose of granting final disposition of the animal. No animal shall be sterilized prior to such hearing unless necessary to save the life or relieve the suffering of the animal.

FISCAL DESCRIPTION (continued)

This act also sets forth requirements for animal disposition hearings, including prohibiting the disposition court from returning neglected and abused animals to their owners, stating that the disposition judgment shall be final and appealable, and stating that the animal owner shall not be responsible for such animal's care if the disposition court finds that the animal was unlawfully impounded. If the court does not return the animal to its owner, the owner may prevent disposition of the animal by posting a reasonable bond for the animal's care while the person appeals the court's disposition judgment. This act also sets forth timelines for bond and security posting. An owner is also allowed to file a personalized animal care plan with the court, in addition reasonable bond or security, under this act.

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  
Missouri Department of Conservation  
Department of Natural Resources  
Department of Health and Senior Services  
Attorney General's Office  
Office of the State Courts Administrator  
Department of Public Safety - Missouri Highway Patrol  
Office of the State Public Defender  
Office of Prosecution Services  
Department of Corrections  
Joplin Police Department  
Boone County Sheriff's Department  
St. Louis County Department of Justice Services

Ross Strope



Acting Director  
February 2, 2018