

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0550S.01I
Bill No.: SB 201
Subject: Animals; Bonds - Surety; Courts; Crimes and Punishment; Law Enforcement
Officers and Agencies; Liability; Search and Seizure; Veterinarians
Type: Original
Date: January 27, 2021

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
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 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Agriculture, Department of Corrections, Department of Public Safety - Missouri Highway Patrol, Office of the State Courts Administrator and Attorney General's Office** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

For the purpose of the proposed legislation, and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of a class B misdemeanor offense of improper euthanizing of a seized animal under Section 578.018, RSMo. An increase in caseload from this new crime is unlikely; however, if this offense was classified as a class D misdemeanor, it would not qualify for public defender representation because it would be punishable by a fine only, and therefore there would be no impact on SPD. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD 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 SPD for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. 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.

Officials from the **Boone County/Columbia Health Department, Newton County Health Department, Randolph County Health Department, Boone County Sheriff, Kansas City Police Department, Ellisville Police Department, Springfield Police Department, St. Joseph Police Department and Crestwood Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **St. Louis County Police Department and Holts Summit Police Department** each assume there will be a fiscal impact but did not state what that impact would be.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other county health departments and law enforcement agencies were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue - Animal Rescue Facilities - Bond or security for animal care costs from the animal owner</u>	Unknown	Unknown	Unknown
<u>Cost - Animal Rescue Facilities - Care of animals held until final disposition of charges and acquittal or inability to pay</u>	(Unknown)	(Unknown)	(Unknown)
<u>Cost - Law Enforcement Agencies - Increased duties in the animal confiscation process</u>	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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FISCAL IMPACT – Small Business

Small business animal shelters and veterinary facilities might incur additional costs as a result of this proposal.

FISCAL DESCRIPTION

Currently, any public health official or law enforcement officer may seek a warrant to inspect, care for, or impound neglected or abused animals. Under this act, such warrant is to confiscate, rather than impound animals. All warrants shall be served in the presence of a law enforcement official.

A person acting under the authority of a warrant is required to appear at a disposition hearing before the court through which the warrant was issued within 10 days of the confiscation, rather than within 30 days of the filing of the request, for the purpose of granting immediate disposition of the animals. An animal cannot be sterilized before the completion of the disposition hearing unless it is necessary to save life or relieve suffering.

Third parties approved by the court may care for confiscated animals. The owner of any animal that has been confiscated is not responsible for the animal's care and keeping prior to a disposition hearing if the owner is acquitted or there is a final discharge without conviction.

This act also provides that anyone claiming an interest in the confiscated animal may prevent the disposition of the animal after the disposition hearing and until final judgement, settlement, or dismissal of the case by posting reasonable bond or security within 72 hours of the disposition hearing in an amount sufficient to provide for the animal's care and keeping. The bond or security amount shall also be consistent with the fair market cost of boarding such an animal in an appropriate retail boarding facility.

An owner of any humanely killed animal cannot recover damages related to the value of the animal if a veterinarian determines the animal was diseased or disabled beyond recovery for any useful purpose. Damages are also not recoverable if the animal owner fails to post a bond or security after being notified of the confiscation and after the disposition hearing.

All animals confiscated shall receive proper care as determined by state law and regulations.

Any facility or organization where an animal is placed shall be liable to the animal owner for damages for any negligent act or abuse of the animal which occurs while the animal is in the facility or organization's care, custody, and control.

In the event an animal owner is not liable for the costs incurred while charges were pending, the costs of care and the liability for the life or death of the animal and any medical procedures performed are the responsibility of the confiscating agency. An animal owner may demand the return of the animal held in custody if he or she posted a sufficient bond and is acquitted or there is a final discharge without a conviction. Any entity with care, custody, and control of the animal shall immediately return the animal to the owner upon demand and proof of the acquittal or final discharge without conviction. The animal owner is not liable for any costs incurred relating to the placement or care of the animal while the charges were pending unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence.

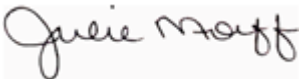
This act creates a penalty for any person or entity that intentionally euthanizes or sterilizes an animal that such person or entity is not permitted to euthanize or sterilize. Each individual animal for which a violation occurs is a separate offense. The penalty is a Class B misdemeanor for the first offense and any second or subsequent offense is a Class A misdemeanor.

Finally, this act provides that the confiscation of dogs that were involved in dog fighting shall be carried out in the same manner set forth in the act for neglected or abused animals.

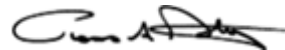
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture
Office of the State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender
Attorney General's Office
Department of Public Safety - Missouri Highway Patrol
Boone County Sheriff
Kansas City Police Department
Crestwood Police Department
St. Louis County Police Department
Boone County/Columbia Health Department
Newton County Health Department
Randolph County Health Department
Ellisville Police Department
Springfield Police Department
St. Joseph Police Department



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January 27, 2021



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