

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2530S.02I
 Bill No.: SB 666
 Subject: Crimes and Punishment; Animals; Motor Vehicles
 Type: Original
 Date: April 10, 2023

Bill Summary: This proposal creates the offense of interference with the transportation of livestock.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
General Revenue	(\$39,579)	(\$96,890)	(\$138,359)	(\$171,367)
Total Estimated Net Effect on General Revenue	(\$39,579)	(\$96,890)	(\$138,359)	(\$171,367)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Total Estimated Net Effect on FTE	0	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 or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§578.156 – Transportation of livestock

Officials from the **Department of Corrections (DOC)** state this proposal establishes the offense of interference with the transportation of livestock. The bill amends Chapter 578, RSMo, to add one new section, which will be known as 578.156. The bill intends to create a felony for the interference with the transportation of livestock; a class E felony for a first offense and a class C felony for any second or subsequent offenses.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class C and E felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9							

For each new class C felony, the department estimates four people will be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation-Class C Felony

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	4	8	12	15	15	15	15	15	15	15
Parole				1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
Population Change	10	20	30	34	38	42	46	46	46	46

Combined Estimated Impact

The combined estimated cumulative impact of a new class E felony and a new class C felony on the department is estimated to be 17 additional offenders in prison and 26 additional offenders on field supervision by FY 2027.

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	8	8	8	8	8	8	8	8	8	8
Change (After Legislation - Current Law)										
Admissions	5	5	5	5	5	5	5	5	5	5
Probations	8	8	8	8	8	8	8	8	8	8
Cumulative Populations										
Prison	5	10	14	17	17	17	17	17	17	17
Parole	0	0	1	2	6	10	14	14	14	14
Probation	8	16	24	24	24	24	24	24	24	24
Impact										
Prison Population	5	10	14	17	17	17	17	17	17	17
Field Population	8	16	25	26	30	34	38	38	38	38
Population Change	13	26	39	43	47	51	55	55	55	55

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	5	(\$9,499)	(\$39,579)	0	\$0	8	(\$39,579)
Year 2	10	(\$9,499)	(\$96,890)	0	\$0	16	(\$96,890)
Year 3	14	(\$9,499)	(\$138,359)	0	\$0	25	(\$138,359)
Year 4	17	(\$9,499)	(\$171,367)	0	\$0	26	(\$171,367)
Year 5	17	(\$9,499)	(\$174,794)	0	\$0	30	(\$174,794)
Year 6	17	(\$9,499)	(\$178,290)	0	\$0	34	(\$178,290)
Year 7	17	(\$9,499)	(\$181,856)	0	\$0	38	(\$181,856)
Year 8	17	(\$9,499)	(\$185,493)	0	\$0	38	(\$185,493)
Year 9	17	(\$9,499)	(\$189,203)	0	\$0	38	(\$189,203)
Year 10	17	(\$9,499)	(\$192,987)	0	\$0	38	(\$192,987)

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.024 per day or an annual cost of \$9,499 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$87.46 per day or an annual cost of \$31,921 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's estimated impact for fiscal note purposes.

Officials from the **Office of the State Public Defender (SPD)** state the proposed legislation creates a new offense under section 578.156 which could result in additional cases eligible for SPD representation. The number of additional cases is unknown and as a result, the fiscal impact is unknown.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime (578.156.2) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Missouri Department of Agriculture (MDA)** state the bill says, “does not pertain to law enforcement”, per their regulations, MDA should probably be added to the language. Per Section 267.645, the Department may enter premises — rules and regulations — 1. The department of agriculture is authorized and directed to cooperate with the United States Department of Agriculture in performing the duties and exercising the powers vested in it under sections 267.560 to 267.660 and is empowered to enter at any time any premises, barns, stables, sheds, vehicles or other places where livestock or birds are kept for the purpose of administering and enforcing the provisions of sections 267.560 to 267.660. 2. The department may make such rules and regulations pursuant to the provisions of section 267.122 and chapter 536 as may be deemed necessary for the enforcement of sections 267.560 to 267.660 including all necessary rules and regulations for the entry and movement of livestock, animals or birds into, within and through the state.

Officials from the **Attorney General’s Office**, the **Department of Public Safety - Missouri Highway Patrol**, and the **Missouri Department of Transportation** assume the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2023 (HCS for HB 576), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2027)
GENERAL REVENUE				
<u>Cost – DOC</u> (§578.156) Increased incarceration costs	<u>(\$39,579)</u>	<u>(\$96,890)</u>	<u>(\$138,359)</u>	<u>(\$171,367)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$39,579)</u>	<u>(\$96,890)</u>	<u>(\$138,359)</u>	<u>(\$171,367)</u>

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2027)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

INTERFERENCE WITH THE TRANSPORTATION OF LIVESTOCK (Section 578.156)

Under this act, a person commits the offense of interference with the transportation of livestock if the person knowingly:

- (1) Stops or otherwise interferes with a motor vehicle transporting livestock;
- (2) Provokes or disturbs livestock when the livestock is confined in a motor vehicle; or
- (3) Puts or places a substance on the livestock that affects its health or use.

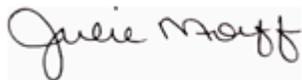
The offense of interference with the transportation of livestock is a class E felony for the first offense and a class C felony for any subsequent offense.

The defendant may assert an affirmative defense of consent by proving by a preponderance of the evidence that he or she had the consent of the owner of the livestock. Additionally, this act shall not apply to law enforcement officers enforcing the law.

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

Attorney General's Office
Department of Corrections
Department of Public Safety - Missouri Highway Patrol
Missouri Department of Agriculture
Missouri Department of Transportation
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender



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