

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1687-01
Bill No.: SB 490
Subject: Agriculture and Animals; Crimes and Punishment
Type: Original
Date: March 7, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$13,936)	(\$43,062)	(\$73,923)
Total Estimated Net Effect on <u>All</u> State Funds	(\$13,936)	(\$43,062)	(\$73,923)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – State Water Patrol, – Division of Fire Safety, – State Highway Patrol, Department of Agriculture, Department of Conservation, Office of State Courts Administrator,** and the **City of Kansas City** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Prosecution Services** assume the cost of the proposed legislation can be absorbed with existing resources.

Officials from the **Office of the State Public Defender** assume existing staff could provide representation for those 40 (FY2000 caseload) cases arising where indigent persons were charged with Felony Animal Abuse. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent accused in the additional cases.

Officials from the **Department of Mental Health (DMH)** assume the proposal requires persons convicted of, or pleading guilty to, certain types of animal abuse to undergo and successfully complete counseling as determined by the court. It would require the DMH to provide free counseling only for persons convicted of cruelty to animals who cannot pay for such services (such inability to pay determined by the sentencing court), and “who meet the medical necessity criteria for mental health managed care.”

No statistics exist for the persons meeting the criteria of animal abuse in this proposal and no means are available to project the number of persons who might be referred to the DMH since only those who are unable to pay all or part of the cost would be potential clients of the Department. Further, Directors of Psychiatric Medicine and Forensics Services are unaware of the term “medical necessity criteria for mental health managed care.” DMH assumes the individual will have to meet the Department’s current Standard Means Test for inability to pay. DMH assumes, for purposes of this note, that the number of such persons would be minimal and not cause a significant cost to the Department.

Officials from the **Department of Corrections (DOC)** assume the proposal would amend the statute dealing with animal abuse. Currently, animal abuse is a class A misdemeanor, except in the case of a repeat offense or torture or mutilation. In the latter, animal abuse is a class D felony. The proposal would make the crime a class D felony and allow a fine of up to \$20,000. The court would also have to order counseling for all offenders sentenced to probation.

ASSUMPTION (continued)

In FY00, there were 3 probation openings for class D felony animal abuse and no class A misdemeanor openings. There were no new prison openings for the offense. It appears that the court is sentencing individuals with a felony conviction to probation and assessing fines or other punishment for individuals with class A misdemeanor convictions.

Therefore, the change in the law is expected to impact Probation and Parole more than the Division of Adult Institutions, as more individuals would be expected to receive a probation sentence rather than a fine or community service, etc. In FY00, there were 10% as many admissions for a third felony stealing offense as there were for a first or second offense. This was used to estimate the number of individuals who would now receive at least a probation sentence rather than lesser penalties. If this ratio is applied to the number of persistent animal abuse cases, then it would be expected that there would be around 30 new probation openings for first-time animal abuse offenders who would now be class D felons rather than misdemeanor offenders.

The average probation term for a class D felony is 4 years. The impact would begin in FY02 with 30 new probation cases. The maximum impact would be in FY05 and thereafter, with 120 additional probation cases under supervision, as shown in the following chart.

	END FY	AVERAGE	EMER HSNG	OPERATING	CONSTRUCTION	TOTAL COST
	POPULATION	POPULATION	EXPENSE	EXPENSE	EXPENSE	W/ INFLATION
FY 2002	30	15	0	13,530	0	13,936
FY 2003	60	45	0	40,590	0	43,062
FY 2004	90	75	0	67,650	0	73,923

It is estimated the increase in population will increase incrementally over the fiscal year. For cost estimates, a snapshot of the midyear average population was used to determine fiscal impact. Assumptions used to determine cost and rounded to the nearest whole number include:

- ▶ \$2.47 (FY99 cost) average daily supervision costs with an inflation rate of 3% per each subsequent year.

The DOC does not anticipate the need for additional capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

ASSUMPTION (continued)

Based on the above-outlined assumptions, the long-range fiscal impact is estimated to include the costs as follows:

END FY	AVERAGE	EMER HSNG	OPERATING	CONSTRUCTION	TOTAL COST	
POPULATION	POPULATION	EXPENSE	EXPENSE	EXPENSE	W/ INFLATION	
FY 2005	120	105	0	94,710	0	106,597
FY 2006	120	120	0	108,240	0	125,480
FY 2007	120	120	0	108,240	0	129,244
FY 2008	120	120	0	108,240	0	133,122
FY 2009	120	120	0	108,240	0	137,115
FY 2010	120	120	0	108,240	0	141,229
FY 2011	120	120	0	108,240	0	145,466
					Total Ten-Year Fiscal Impact:	1,049,173

FISCAL IMPACT - State Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

GENERAL REVENUE FUND

Costs - Department of Corrections

Probation costs

(\$13,936)

(\$43,062)

(\$73,923)

FISCAL IMPACT - Local Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

\$0

\$0

\$0

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal increases the penalties for animal abuse. Persons who maliciously and intentionally main, mutilate, or torture a living animal will be guilty of a class D felony and may be fined up to \$20,000. Upon conviction, all animals seized or impounded will be forfeited.

DESCRIPTION (continued)

Persons convicted must attend counseling will be liable for costs of impoundment and counseling.

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

Office of Prosecution Services
Department of Public Safety
 State Water Patrol
 Division of Fire Safety
 State Highway Patrol
Department of Agriculture
Department of Conservation
Office of State Courts Administrator
Office of the State Public Defender
Department of Mental Health
Department of Corrections
City of Kansas City



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Director

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