

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1778-01
Bill No.: HB 828
Subject: Animals; Crimes and Punishment
Type: Original
Date: March 7, 2019

Bill Summary: This proposal modifies the penalties for the offense of animal abuse.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(Less than \$115,718)	(Less than \$138,476)	(Less than \$158,869)
Total Estimated Net Effect on General Revenue	(Less than \$115,718)	(Less than \$138,476)	(Less than \$158,869)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§578.012 - Animal abuse

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the enhanced penalties for subsequent charges of animal abuse. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In Fiscal Year 2018, SPD's Trial Division opened 25 cases under charge code 578.012 of the 63,395 total cases opened.

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 notes over the last three fiscal years, the SPD has lapsed a total of \$152 of General Revenue appropriations (\$0 out of \$36.4 million in FY 2016; \$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed within SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

According to "The Missouri Project" (RubinBrown, June 2014), the number of hours that should be spent on a misdemeanor case is 13.3. This number takes into account time for travel and in-court appearances. In contrast, the number of hours that should be spent on a C/D/E felony case is 28.5. This equates to a difference of 15.2 additional hours spent on a felony case versus a misdemeanor case ($28.5 - 13.3 = 15.2$). If a portion of these were subsequent offenses and moved from a misdemeanor to a felony, additional hours and costs would be incurred.

ASSUMPTION (continued)

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Department of Corrections (DOC)** state this legislation modifies the offense of animal abuse to create a class D felony offense when the defendant was previously found guilty of animal abuse.

For a class D felony, the department estimates three people will be sentenced to prison and five to probation. The average sentence for a nonviolent class D offense is five years; 2.8 years will be served in prison, 2.2 will be served on parole, and 3 years for those serving probation. The cumulative impact on DOC is nine additional offenders in prison and 21 on field supervision by FY24.

New nonviolent class D felony for prior animal abuse

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	3	6	9	9	9	9	9	9	9	9
Parole			0	3	6	6	6	6	6	6
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	9	9	9	9	9	9	9	9
Field Population	5	10	15	18	21	21	21	21	21	21
Population Change	8	16	24	27	30	30	30	30	30	30
P&P Officers + or -		0	0	0	0	0	0	0	0	0

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	3	(\$6,287)	(\$15,718)	5	absorbed	\$0	(\$15,718)
Year 2	6	(\$6,287)	(\$38,476)	10	absorbed	\$0	(\$38,476)
Year 3	9	(\$6,287)	(\$58,869)	15	absorbed	\$0	(\$58,869)
Year 4	9	(\$6,287)	(\$60,046)	18	absorbed	\$0	(\$60,046)
Year 5	9	(\$6,287)	(\$61,247)	21	absorbed	\$0	(\$61,247)
Year 6	9	(\$6,287)	(\$62,472)	21	absorbed	\$0	(\$62,472)
Year 7	9	(\$6,287)	(\$63,722)	21	absorbed	\$0	(\$63,722)
Year 8	9	(\$6,287)	(\$64,996)	21	absorbed	\$0	(\$64,996)
Year 9	9	(\$6,287)	(\$66,296)	21	absorbed	\$0	(\$66,296)
Year 10	9	(\$6,287)	(\$67,622)	21	absorbed	\$0	(\$67,622)

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

Oversight notes that the **Department of Agriculture, Department of Public Safety - Missouri State Highway Patrol, Missouri Office of Prosecution Services and Office of State Courts Administrator** have stated the proposal would not have a direct fiscal impact on their organizations. 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 - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Costs - SPD (\$578.012)</u>			
Salaries, fringe benefits, and equipment and expense	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs - DOC (\$578.012)</u>			
Increased incarceration costs	(\$15,718)	(\$38,476)	(\$58,869)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Less than \$115,718)</u>	<u>(Less than \$138,476)</u>	<u>(Less than \$158,869)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<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

Currently, the offense of animal abuse is a class A misdemeanor unless the defendant has previously been found guilty of animal abuse or the suffering involved is the result of torture or mutilation, consciously inflicted while the animal was alive, in which case it is a class E felony. This bill enhances the penalty to a class D felony if the defendant has previously been found guilty of animal abuse.

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

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SOURCES OF INFORMATION

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



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