

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3268-04
Bill No.: HCS for HB 1093 with SA 1
Subject: Agriculture and Animals; Disabilities; Employees - Employers
Type: Original
Date: May 12, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services, Office of the State Courts Administrator, Office of Administration – Division of Personnel, Department of Revenue, Department of Conservation, Department of Transportation, Department of Economic Development, Department of Labor and Industrial Relations and Department of Mental Health** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the State Public Defender (SPD)** assume this proposal will create new crimes of injury to service animals. New crimes create new cases for the Office of State Public Defender. The exact number of cases affected is too uncertain to provide a definitive dollar amount of fiscal impact. Nevertheless, there will be some impact.

Since the amount of impact is so uncertain, the Office of State Public Defender cannot assume existing staff will be able to provide representation in these cases. However, once the true impact is determined, the Office of State Public Defender will reassess the impact of this legislation. Passage of more than one bill increasing existing penalties, or creating new crimes, will require increased appropriations for the State Public Defender.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this proposal, the DOC will incur a corresponding increase in operational cost either through incarceration (FY 03 average of \$38.10 per inmate per day, or an annual cost of \$13,907 per inmate) or through supervision provided by the Board of Probation and Parole (FY 03 average of \$3.15 per offender per day, or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, the DOC assumes the impact would be less than \$100,000 per year.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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GENERAL REVENUE FUND

Cost - Department of Corrections

Incarceration/Probation	<u>(Less than \$100,000)</u>	<u>(Less than \$100,00)</u>	<u>(Less than \$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

DESCRIPTION

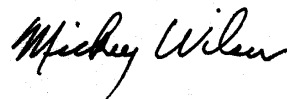
This substitute defines "service dog" as a dog specially trained to do work or perform tasks which benefit a person with a disability. Any person who causes the physical injury or death or fails to control their animal which causes the physical injury or the death of a service dog is guilty of a class A misdemeanor. Any person who harasses a service dog or fails to control their animal which harasses a service dog preventing the dog from performing its duties is guilty of a class B misdemeanor. Civil damages may be recovered by the service dog owner or person with a disability who uses the service dog.

Anyone who impersonates a person with a disability by representing himself or herself as disabled or represents his or her dog as a service dog is guilty of a class B misdemeanor and liable for any actual damages resulting from the impersonation.

This proposal is not federally mandated and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Prosecution Services
Office of the State Courts Administrator
Office of Administration – Division of Personnel
Department of Revenue
Department of Conservation
Department of Transportation
Department of Mental Health
Office of the State Public Defender
Department of Labor and Industrial Relations
Department of Corrections



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Mickey Wilson, CPA
Director
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