

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4726-01
Bill No.: HB 1945
Subject: Animals; Law Enforcement Officers and Agencies
Type: Original
Date: January 26, 2018

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Agriculture (AGR)** assume there will be no fiscal impact from this proposal unless the department is required to house and care for the confiscated animals. If AGR is required to house and provide care, the costs could be up to \$4.6 million to the General Revenue Fund.

Officials from the **Department of Public Safety - Missouri Highway Patrol** assume there will be a cost to house and provide care to any animal taken into custody. The exact cost will depend on the type of animal, duration of the housing and any medical treatment the animal might require.

Officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources. AGO may seek additional appropriations if there is a significant increase in litigation.

Officials at the **Office of the State Courts Administrator** assume the fiscal impact of this proposal is unknown. There may be some impact but there is no way to quantify the impact at this time. Any significant changes will be reflected in future budget requests.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of intentionally euthanizing or sterilizing an animal without proper authority, which will be a new class B misdemeanor.

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.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials at the **Office of Prosecution Services** assume no measurable impact to OPS. 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.

ASSUMPTION (continued)

Officials from the **St. Louis County Police Department** assume this proposal would require that the Department have a police officer apply for all animal confiscation warrants rather than animal control officers. While the Police Department currently assists the health department with these cases, the animal control officers would no longer be able to function without Police involvement.

The proposed bill also removes the ability to post search warrant materials on the property. The bill would require that a resident of the property be served with the appropriate materials. In some cases this may make executing the search warrant impossible.

The proposed bill would change the usual disposition hearing following an animal confiscation from thirty days to ten days. There are serious implications of moving the hearing to ten days rather than thirty. For example, many tests completed by the veterinarian and lab will not be completed within ten days. If the tests are completed in the rushed time frame, the case may be found in favor of the pet owner and the police would have wasted time and man power.

The increase in man hours, paperwork, and overtime are difficult to estimate. The police officer's process, if involved in an animal confiscation case, would be as follows:

The officer would have to compile evidence and apply for a warrant. After approval, the officer would then have to respond to the location where the animal is being maintained with the health department and animal control to serve the warrant. If the owner of the animal is not on-scene, the officer must locate a resident of the property and serve them in person, which may be impossible. After completing all necessary reports and having them approved, the officer would have to respond to a disposition hearing within ten days. During this process, the officer involved would no longer be able to respond to other calls and additional officers would have to complete the work the missing officer would generally complete, generating overtime costs.

The current process followed to confiscate animals takes an average of 24-40 hours to complete from start to finish. If the process were changed as the bill proposes, there could be an increase of hours worked.

Officials from the **Joplin Police Department** state currently the health department employs animal control officers (ACO's) and they are not commissioned officers. If police officers will be required to apply for the warrants and not the ACO's then there would be a fiscal impact on our agency as the officers will have to spend time applying for warrants when currently the ACO's are able to do so on their own.

ASSUMPTION (continued)

Also, it is unknown how the current costs are figured for whenever the ACO has to confiscate an animal, but with the new wording, there is potential for an increased cost due to having to pay fair market value and making it difficult to have the owner pay the costs.

Officials from the **Jefferson County Sheriff's Office** assume this proposal would cost considerable time and money, estimated at \$200,000 annually, to have law enforcement officers do the job that animal control currently does.

Officials from the **Department of Corrections** and **Department of Health and Senior Services** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **St. Louis County Department of Justice Services, Springfield Police Department** and the **Boone County Sheriff's Department** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight assumes under current law, AGR, along with local law enforcement, facilitates the removal and placement of animals subject to a warrant and seizure. This proposal requires an initial disposition hearing within the first 10 days of the confiscation by the authority through which the warrant was issued.

Oversight assumes this proposal requires reasonable bond or security by the animal owner to be posted within 72 hours of the disposition hearing for all animal board costs while the animal is held in custody until final disposition or dismissal of the case. Upon conviction the animal owner is liable for all costs related to the removal and care of the animal.

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 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - Animal Rescue Facilities - Bond or security for animal care costs from the animal owner	Unknown	Unknown	Unknown
<u>Cost</u> - Animal Rescue Facilities - Care of animals held until final disposition of charges and acquittal or inability to pay	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill changes the laws regarding the confiscation of animals. In its main provisions, the bill:

- (1) Removes a public health official from the individuals authorized to seek a warrant to enter property to inspect, care for, or confiscate neglected or abused animals;
- (2) Requires a person acting under the authority of a warrant to appear at a disposition hearing before the court through which the warrant was issued within 10 days of the confiscation, instead of being given a disposition hearing 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;
- (3) Allows a third party approved by the court to care for confiscated animals;
- (4) Specifies that the owner of any animal that has been confiscated cannot be 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;

FISCAL DESCRIPTION (continued)

(5) Requires a reasonable bond or security to be posted within 72 hours of the disposition hearing in an amount sufficient to provide for the care of the animal and consistent with the fair market cost of boarding the animal in an appropriate retail boarding facility if the owner, custodian, or any person claiming an interest in an animal that has been confiscated because of neglect or abuse would like to prevent disposition of the animal while the case proceeds. Currently, the owner, custodian, or any person claiming an interest in an animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care for at least 30 days, inclusive of the date on which the animal was taken into custody;

(6) Specifies that all animals confiscated must receive proper care as determined by state law and regulations. Any facility or organization must be liable to the owner for damages for any negligent act or abuse of the animal which occurs while the animal is in its care, custody, and control;

(7) Specifies that in the event that an animal owner is not liable for the costs incurred while the charges were pending, the costs of care and the liability for the life or death of the animal and medical procedures performed are the responsibility of the confiscating agency;

(8) Allows an owner to 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 unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence. Any entity with care, custody, and control of the animal must immediately return it to the owner upon demand and proof of the acquittal or final discharge without conviction. The animal owner must not be 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;

(9) Specifies that any person or entity that intentionally euthanizes, other than as permissible under the provisions of the bill, or intentionally sterilizes an animal prior to a disposition hearing or during any period for which a reasonable bond was secured for the animal's care will be guilty of a class B misdemeanor and is liable to the owner for damages including the actual value of the animal. Each individual animal for which a violation occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor, and any entity licensed under state law must be subject to licensure sanction by its governing body;

FISCAL DESCRIPTION (continued)

(10) Includes dogs confiscated by any member of the State Highway Patrol or other law enforcement officer that were involved in dog fighting to those animals covered under these provisions; and

(11) Requires, in the event that the animal owner is not liable for the costs incurred, the confiscating agency to be responsible for the usual and customary veterinary costs and fair market boarding fees and be liable for the life or death of the animal and for medical procedures performed while the charges were pending.

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
Department of Public Safety - Missouri Highway Patrol
Office of the State Courts Administrator
Department of Corrections
Department of Health and Senior Services
Office of the State Public Defender
Office of Prosecution Services
Attorney General's Office
St. Louis County Police Department
St. Louis County Department of Justice Services
Joplin Police Department
Boone County Sheriff's Department
Joplin Police Department
Springfield Police Department
Jefferson County Sheriff's Office

Ross Strope



Acting Director

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