

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3086-03
Bill No.: Perfected HS for HCS for HB 1231
Subject: Agriculture and Animals: Disabilities
Type: Original
Date: May 8, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds*	\$0	\$0	\$0

***Does not include possible loss of \$346,000 annually from the federal Department of Housing and Urban Development to the Missouri Commission on Human Rights.**

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

SERVICE ANIMALS

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 legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY 01 average of \$35.78 per inmate per day, or an annual cost of \$13,060) or through supervision provided by the Board of Probation and Parole (FY 01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC is unable to determine the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

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.

For the purpose of this proposal, the **Office of the State Public Defender** has assumed that existing staff could provide representation for those few cases where indigent persons were charged with new crimes against service animals. However, passage of more than one bill increasing penalties for existing crimes or creating new crimes might require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing affected indigents.

Officials of the **Office of Administration - Division of Personnel**, the **Department of Transportation - Division of Resource Management**, the **Department of Labor and Industrial Relations**, the **Department of Conservation**, and the **Office of Prosecution Services** stated that the proposal would not cause their agencies or local governments to need significant new resources.

ASSUMPTION (continued)

Officials of the **Department of Labor and Industrial Relations** did note that, in their opinion, the Missouri Human Rights Act already grants the protections of this proposal and has been certified by the federal **Department of Housing and Urban Development (HUD)** and the federal **Equal Employment Opportunity Commission (EEOC)** to be substantially equal to federal law, thus allowing them to contract with the **Missouri Human Rights Commission** for enforcement. (Although the proposal would make some prohibitions more specific.) They also expressed the opinion that the proposal does not provide the full procedural and substantive protections that are available under the Missouri Human Rights Act. The differences between that Act and this proposal “will create significant legal and administrative problems”. They stated that if the federal Department of Housing and Urban Development finds this proposal is not substantially equivalent with federal law, the Missouri Human Rights Commission could lose \$436,000 in HUD funding.

Oversight notes that the effects on HUD funding would become a matter for negotiations between the federal and state governments if the proposal becomes law.

BESTIALITY

In responses to a similar proposal, officials from the **Office of State Courts Administrator**, **Department of Agriculture**, and the **City of Kansas City** assume the proposal would have no significant fiscal impact on their agencies.

Officials from the **Office of Attorney General** and the **Office of Prosecution Services** assumed the costs of the proposal could be absorbed within existing resources.

Officials from the **Office of State Public Defender** assume existing staff could provide representation for those 5-10 cases arising where indigent persons were charged with the new crime of engaging in sexual conduct with an animal. 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 the indigent accused in these cases where the penalty has been enhanced.

Officials from the **Department of Corrections (DOC)** assumed they could not 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 legislation, the DOC will incur a corresponding increase in operational costs either through incarceration (FY99 average of \$35.78 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY 2001 average of \$3.34 per offender, per day).

ASSUMPTION (continued)

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders;
- The lower felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.

Supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Oversight assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Cost - Department of Corrections</u>			
Incarceration/Probation	(Less than \$100,000)	(Less than \$100,00)	(Less than \$100,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,00)</u>	<u>(Less than \$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	\$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 bill would prohibit discrimination based on use of a service animal in housing, employment, transportation, or public accommodations; require motor vehicles to yield to service animals and their users; prohibit persons from harassing, interfering with, or assaulting service animals or their users; prohibit disguising or kidnaping service animals; and, hold owners of service animals responsible for controlling their animals and liable for actual damages caused by the animals.

DESCRIPTION (continued)

The proposal would makes it a class D felony to knowingly engage in sexual conduct with an animal, or knowingly cause another to engage in sexual conduct with an animal for sexual gratification.

In addition, this proposal would allow courts to prohibit defendants from harboring animals, to order defendants to forfeit all household animals, and to order defendants to receive psychological evaluations and counseling.

The proposal contains penalty clauses.

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

SOURCES OF INFORMATION

Department of Corrections
Department of Labor and Industrial Relations
Department of Transportation
Missouri Department of Conservation
Office of Administration
Office of Prosecution Services
Office of the State Public Defender
Attorney General
Office of Prosecution Services
State Public Defender
City of Kansas City



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