

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1893-01
Bill No.: SB 657
Subject: Agriculture and Animals; Crimes and Punishment; Agriculture Dept.
Type: Original
Date: April 2, 2003

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|--------------------------------------|--------------------------------------|--------------------------------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| General Revenue | (Unknown less than \$100,000) | (Unknown less than \$100,000) | (Unknown less than \$100,000) |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | (Unknown less than \$100,000) | (Unknown less than \$100,000) | (Unknown less than \$100,000) |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| | | | |
| | | | |
| Total Estimated Net Effect on Other State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| | | | |
| | | | |
| 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 of the **Department of Agriculture and State Public Defender** assume there would be no fiscal impact to their agencies.

In response to a similar proposal, officials of the **Office of Prosecution Services** indicated that prosecutors should be able to absorb the cost of this proposal.

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

If additional persons are sentenced to custody of the DOC due to the provisions of this legislation the DOC will incur a corresponding increase in operational cost either through incarceration (FY02 average of \$35.52 per inmate, per day or an annual cost of \$12,965 per inmate) or through supervision provided by the Board of Probation and Patrol (FY02 average of \$3.10 per offender per day or an annual cost of \$1,132 per offender).

Supervision by the DOC through probation or incarceration would result in additional unknown

ASSUMPTION (continued)

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 the new crimes, it is assumed the impact would be less than \$100,000 per year for the DOC.

| | | | |
|---|---------------------|---------|---------|
| <u>FISCAL IMPACT - State Government</u> | FY 2004 (10 Mo.) | FY 2005 | FY 2006 |
|---|---------------------|---------|---------|

GENERAL REVENUE FUND

| | | | |
|--|--------------------------------------|--------------------------------------|--------------------------------------|
| <u>Costs - Department of Corrections</u> | <u>(Unknown less than \$100,000)</u> | <u>(Unknown less than \$100,000)</u> | <u>(Unknown less than \$100,000)</u> |
|--|--------------------------------------|--------------------------------------|--------------------------------------|

| | | | |
|---|---|---|---|
| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | <u>(Unknown less than \$100,000)</u> | <u>(Unknown less than \$100,000)</u> | <u>(Unknown less than \$100,000)</u> |
|---|---|---|---|

| | | | |
|---|---------------------|------------|------------|
| <u>FISCAL IMPACT - Local Government</u> | FY 2004 (10 Mo.) | FY 2005 | FY 2006 |
| | <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.

DESCRIPTION

This bill prohibits any person from photographing, videotaping, or otherwise obtaining images from a location within an animal facility that is not legally accessible to the public without the express written consent of the animal facility. Persons who violate this portion of the bill are guilty of a class D felony.

The bill also prohibits any person from intentionally releasing in any animal facility any pathogen or disease that has the potential to cause disease in any animal or threatens human

health or biosecurity. Persons who violate this portion of the bill are guilty of a class B felony.

DESCRIPTION (continued)

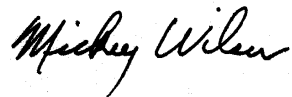
The definition of an animal facility is expanded to include barns, buildings, or other structures which are part of any animal farming operation, business, or organization engaged in legal scientific research or agricultural production.

The Director of the Department of Agriculture is given the authority to initiate a civil action in the circuit court of the county in which a violation of the provisions of the bill occurred.

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
Office of Prosecution Services
State Public Defender
Department of Corrections



Mickey Wilson, CPA
Director
April 2, 2003