

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1027S.01I
Bill No.: SB 236
Subject: Agriculture, Department of; Animals; Fishing and Hunting
Type: Original
Date: February 2, 2021

Bill Summary: This proposal modifies provisions relating to feral swine.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	\$0 to (\$6,463)	\$0 to (\$15,822)	\$0 to (\$16,139)
Total Estimated Net Effect on General Revenue	\$0 to (\$6,463)	\$0 to (\$15,822)	\$0 to (\$16,139)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Department of Agriculture, Missouri Department of Conservation, Missouri Highway Patrol, Office of the State Courts Administrator** and **Missouri Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

For the purpose of the proposed legislation, and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) under Chapter 270 concerning feral swine, which are classified as a class E felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

Officials from the **Department of Corrections (DOC)** assume the following regarding this proposal:

Section 270.260, RSMo. – Any person who recklessly or knowingly releases any swine to live in a wild or feral state upon any public land or private land, not completely enclosed by a fence capable of containing such animals is guilty of a class E felony.

Section 270.270, RSMo. - Any person possessing or transporting live feral swine as defined in section 270.400 is guilty of a class A misdemeanor.

For each new non-violent class E felony, the department estimates one person will be sentenced to prison and two to probation. The average sentence for a non-violent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

	# to prison	Cost per year	Total Costs for prison	# of offenders to Probation & Parole	Costs for more P&P officers	Grand Total of Costs to DOC
Year 1	1	(\$7,756)	(\$6,463)	2	\$0	(\$6,463)
Year 2	2	(\$7,756)	(\$15,822)	4	\$0	(\$15,822)
Year 3	2	(\$7,756)	(\$16,139)	7	\$0	(\$16,139)
Year 4	2	(\$7,756)	(\$16,461)	7	\$0	(\$16,461)
Year 5	2	(\$7,756)	(\$16,791)	7	\$0	(\$16,791)
Year 6	2	(\$7,756)	(\$17,127)	7	\$0	(\$17,127)
Year 7	2	(\$7,756)	(\$17,469)	7	\$0	(\$17,469)
Year 8	2	(\$7,756)	(\$17,818)	7	\$0	(\$17,818)
Year 9	2	(\$7,756)	(\$18,175)	7	\$0	(\$18,175)
Year 10	2	(\$7,756)	(\$18,538)	7	\$0	(\$18,538)

Oversight does not have any information to the contrary in regards to DOC's assumptions; therefore, Oversight will reflect DOC's costs on the fiscal note.

Oversight notes this proposal also repeals provisions of law creating the Animal Health Fund. Oversight referred to the Monthly Fund Activity Reports published by the Office of the State Treasurer and was unable to find this fund on the reports as far back as 2012; therefore, Oversight assumes there will be no impact from this provision.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Cost - DOC - potential increase in the number of offenders under supervision</u>	<u>\$0 to (\$6,463)</u>	<u>\$0 to (\$15,822)</u>	<u>\$0 to (\$16,139)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to (\$6,463)</u>	<u>\$0 to (\$15,822)</u>	<u>\$0 to (\$16,139)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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

This act modifies provisions relating to feral swine.

Currently, any person who recklessly or knowingly releases any swine to live in a wild state or possesses or transports certain live wild boar without a permit from the Department of Agriculture is guilty of a Class A misdemeanor.

Under this act, any person who recklessly or knowingly releases any swine to live in a wild state or possesses or transports live feral swine is guilty of a Class E felony.

The act repeals a definition for "feral hog" and replaces it with a definition for "feral swine". Additionally, the term "feral hog" is replaced with "feral swine" throughout the act.

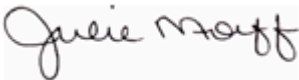
Any person who takes or kills a feral hog on public or private land without the consent of the landowner or with the use of an artificial light is guilty of a Class A misdemeanor.

Finally, the act repeals rulemaking authority for the Director of the Department of Agriculture for health standards for certain wild swine and repeals provisions of law creating the Animal Health Fund.

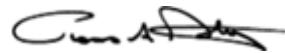
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Department of Agriculture
Missouri Department of Conservation
Department of Corrections
Office of the State Courts Administrator
Office of the State Public Defender
Missouri Office of Prosecution Services
Missouri Highway Patrol



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February 2, 2021



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