

Consolidated Fiscal Note

2023-2024 Legislative Session

HF3799 - 0 - Office of Animal Protection

Chief Author: **Matthew Norris**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/18/2024 10:19:09 AM**
 Lead Agency: **Public Safety Dept**
 Other Agencies:
 Attorney General Corrections Dept
 Public Defense Board Sentencing Guidelines Comm
 Supreme Court

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Attorney General	-	-	-	-	-	-
General Fund	-	-	-	-	-	-
Public Safety Dept						
General Fund	-	-	2,238	2,088	2,088	
State Total						
General Fund	-	-	2,238	2,088	2,088	
Total	-	-	2,238	2,088	2,088	
Biennial Total			2,238			4,176

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Attorney General	-	-	-	-	-
General Fund	-	-	1	1	1
Public Safety Dept					
General Fund	-	-	9	9	9
Total	-	-	10	10	10

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 3/18/2024 10:19:09 AM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2	Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Attorney General	-	-	-	-	-
General Fund	-	-	-	-	-
Public Safety Dept					
General Fund	-	-	2,238	2,088	2,088
Total	-	-	2,238	2,088	2,088
Biennial Total			2,238		4,176
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Attorney General	-	-	-	-	-
General Fund	-	-	200	200	200
Public Safety Dept					
General Fund	-	-	2,238	2,088	2,088
Total	-	-	2,438	2,288	2,288
Biennial Total			2,438		4,576
2 - Revenues, Transfers In*					
Attorney General	-	-	-	-	-
General Fund	-	-	200	200	200
Public Safety Dept					
General Fund	-	-	-	-	-
Total	-	-	200	200	200
Biennial Total			200		400

HF3799 - 0 - Office of Animal Protection

Chief Author: **Matthew Norris**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/18/2024 10:19:09 AM**
 Agency: **Public Safety Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	2,238	2,088	2,088	
Total	-	-	2,238	2,088	2,088	
Biennial Total			2,238			4,176

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	9	9	9
Total	-	-	9	9	9

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 3/18/2024 10:17:51 AM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	2,238	2,088	2,088	2,088
Total		-	-	2,238	2,088	2,088
Biennial Total				2,238		4,176
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	-	2,238	2,088	2,088	2,088
Total		-	-	2,238	2,088	2,088
Biennial Total				2,238		4,176
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

The bill creates an Office of Animal Protection within the Bureau of Criminal Apprehension (BCA) division of the Department of Public Safety to perform various duties related to combating cruelty to animals.

Sec. 3, subd. 2: The Office is to “promote a comprehensive and measurable approach for the prevention of animal cruelty, protection of animals, enforcement of animal cruelty statutes, and education across multiple disciplines” to encompass:

- Investigations
- Prosecution
- Forensic veterinary medicine
- Animal care, transport, and housing
- Human welfare, as it relates to offenders or victims of animal cruelty

The Office shall also:

- Foster partnerships and collaborations with criminal justice partners
- Build capacity to assist partners in investigating and prosecuting animal cruelty, including providing training, education and resources in preventing animal cruelty
- Provide standards, training, and certification for authorities and partners in the enforcement of animal cruelty laws
- Educate the public on the importance of the humane treatment of animals
- Recommend law changes related to animal cruelty
- Support the advisory committee created in the bill

Sec. 5: The Office is to be led by a Director, who may hire additional staff. The Director is to be knowledgeable in criminal law, the many facets of animal cruelty, and the five foundational disciplines of the Office: investigations, prosecution, forensic veterinary medicine, animal care/transport/housing, and human welfare as it relates to offenders or victims of

animal cruelty.

The Director must report annually to the Legislature on the Office's activities and any recommendations for changes in law.

Sec. 4: The Commissioner of Public Safety shall create an advisory committee to steer activities and policy of the Office of Animal Protection. The advisory committee may have subcommittees.

Sec. 7: An Animal Protection Account is created in the Special Revenue Fund. The Director of the Office of Animal Protection may accept money received as gifts, grants, or contributions for deposit in the Special Revenue Fund and operation of the Office. The Commissioner of Public Safety may make grants from the Animal Protection Account to advance the purposes of the bill.

Sec. 8: Animal cruelty crimes (Minn. Stat. 343) are added to the statutory list of "crimes of violence" (Minn. Stat. 624.712, subd. 5) triggering enhanced criminal sanctions in various contexts.

Sec. 9: \$350,000 is appropriated to the Commissioner of Public Safety in FY25 to establish and operate the Office of Animal Protection.

Assumptions

The Department of Public Safety (Bureau of Criminal Apprehension) will create and operate the Office of Animal Protection and its advisory group. A Director and staff will be hired to perform the Office's statutory duties. The BCA assumes that it will take at least nine new FTEs to establish this new unit and meet the requirements of the bill. This includes assisting state, local, and tribal law enforcement in the investigation of animal cruelty cases and enforcement of animal cruelty laws as well as providing training, certifications, outreach; creating procedures as outlined in the bill; and submitting an annual report to the legislature in conjunction with the advisory group. Some of these requirements in the bill may be scalable such as fostering partnerships with criminal justice agencies, assisting other law enforcement agencies in investigating and prosecuting animal cruelty, and supporting the advisory committee; however, the level of scalability will depend on the initial number of cases received and the input from the advisory committee.

While current prosecutions of these types of crimes are fairly low in MN (per numbers cited by the Board of Public Defense and MN Sentencing Guidelines), BCA assumes that these cases will grow exponentially once the public is aware of such an Office of Animal Protection and the education and training materials are available statewide. BCA's anecdotal data and experience with numerous investigations over the years has shown that specific animal cruelty charges are often under-represented or go unreported due to being part of other more serious crimes such as homicides, assaults, drug crimes etc. Sometimes these crimes are tied to other Dept. of Natural Resources (DNR) crimes and violations versus being prosecuted under the Animal Cruelty statute. BCA assumes these crimes will now be charged and prosecuted much more frequently due to this legislation and the establishment of this Office.

The BCA modeled the overall structure and types of positions in the proposed Office on similar investigative units. For example, the Force Investigations Unit works 16-24 cases per year and has 25 employees assigned to that unit. The BCA could be significantly underestimating these costs based on other investigative units at the BCA and conservatively estimates 9 FTEs to initiate the new Office based on the data currently available on animal cruelty charges. In 2023, the MN Judicial Branch cited 296 charges of animal cruelty (which is not representative of total investigations), combined with the anecdotal data that animal cruelty goes unreported, the proposed Office will incur a higher caseload than other existing BCA investigative units.

The BCA assumes that the Office will need to create, maintain and deliver comprehensive training to more than 400 law enforcement agencies in MN as well as prosecutors and the veterinary medicine clinicians statewide. This will be a combination of in-person and online training as well as written materials.

The BCA did contact multiple veterinary clinics to inquire about costs for animal care related to necropsies, transportation, housing etc. related to these investigations. However, costs for these services can differ significantly depending on the type of animal (horse vs. dog) and many other variables. For example, the costs to transport, house, and provide any necessary veterinary care such as prescriptions for any period of time could cost thousands of dollars per animal based on the information provided to BCA by veterinary clinics. Another example may be the discovery of a puppy mill with multiple dogs that have been neglected or abused, would require transportation, housing, and veterinary care until the Humane Society or some other non-profit animal care groups could assist. BCA assumes that it would be primarily responsible for these costs for at least a period of time. Without having any historical investigative data on animal cruelty to base estimates on, the BCA included general costs for these as a placeholder for the initial establishment of the Office of Animal

Protection.

The BCA assumes that a prosecutor position at the Office of the Attorney General (OAG) will be needed to assist BCA in these animal cruelty cases at \$200,000 per year. This amount is based on cost estimates provided to the BCA by the OAG. BCA has consulted with the OAG which supports BCA including this position in its fiscal note.

The BCA has no way to estimate the revenue that may be submitted to the BCA from gifts, contributions, and grants for deposit in the Special Revenue Fund as outlined in the bill to supplement the operation of the Office and support the legislative directive to combat animal cruelty.

The Commissioner of Public Safety may make grants to state and local units of government and nonprofit organizations to promote animal protection efforts from funds received in the Special Revenue account. As noted above, the BCA has no way to estimate the revenue that may be received by the BCA from this fund, so there is no way to estimate the volume or amount of grant funding that may be available. Depending on revenue received, BCA would work with the advisory committee on prioritizing grants for specific purposes such as education on animal cruelty, animal transitional care or other ways to utilize non-profits to alleviate BCA costs. The BCA assumes collaboration with the Office of Justice Programs division of the Department of Public Safety to administer these grants since BCA does not currently administer any grants independently.

The BCA will update the Minnesota Criminal Justice Statute Service to reflect that animal cruelty crimes (Minn. Stat. 343) are statutory crimes of violence.

Expenditure and/or Revenue Formula

*Costs are written for this fiscal note as General Fund expenditures, though it is acknowledged that the bill provides that any money accrued by the Animal Protection Account of the Special Revenue Fund can fully or partially cover these costs in the future.

Personnel

- 1 Director (Special Agent in Charge) @ \$255,000 per year beginning in FY25 ongoing. This position will serve as the Director and be responsible for overall direction; serve as the primary liaison with the advisory committee, oversee comprehensive training required, and be responsible for annual reporting.
- 1 Assistant Special Agent in Charge @ \$235,000 per year beginning in FY25 ongoing. This position is a direct line supervisor and responsible for oversight of the investigations as well as assist in developing and conducting training.
- 4 Special Agents @ \$219,000 each for a total of \$876,000 per year beginning in FY25 ongoing. These positions are front line employees tasked with conducting the investigations and fostering relationships with BCA's criminal justice partners.
- 2 Criminal Intelligence Analysts @ \$131,000 for a total of \$262,000 per year beginning in FY25 ongoing. These positions are front line employees that work directly with Special Agents to analyze intelligence information, write subpoenas, catalog evidence, assist with training etc.
- 1 Office Admin Specialist Intermediate @ \$95,000 per year beginning in FY25 ongoing. This position is a front line employee that supports the entire unit with administrative tasks such as procurement, scheduling, transcription, contracts and grants etc.
- 1 Prosecutor FTE at Office of the Attorney General @ \$200,000 per year beginning in FY25 ongoing

*Each position includes cost of supplies, equipment and workspace, including, as required, vehicles, radios, phones, etc.
Personnel Total = \$1,923,000 in FY25 and ongoing (10 FTEs)

Materials/Services (Ongoing Costs)

- Animal Care and Necropsy = \$100,000 per year beginning in FY25 ongoing

- Transport/housing = \$50,000 per year beginning in FY25 ongoing
- Training Materials = \$15,000 per year beginning in FY25 ongoing

Materials/Services Total = \$165,000 in FY25 and ongoing

Equipment (One-time)

Truck and trailer = \$150,000 in FY25 (based on research for a ¾ to 1 ton truck outfitted with trailering capabilities and different types of trailers capable of transporting different types of animals).

The following table represents the total costs beginning in FY25:

	FY25	FY26	FY27	FY28
1 Special Agent in Charge	255	255	255	255
1 Asst. Special Agent in Charge	235	235	235	235
4 Special Agents	876	876	876	876
2 Criminal Intell. Analysts	262	262	262	262
1 OASI	95	95	95	95
1 Prosecutor (AOG)	200	200	200	200
Animal Care/Necropsies	100	100	100	100
Transportation/Housing	50	50	50	50
Training Costs	15	15	15	15
Truck/Trailer	150	0	0	0
Totals:	2,238	2,088	2,088	2,088

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Andrew Evans

Agency Fiscal Note Coordinator Signature: Nicole Mickelson

Phone: 651-201-7045

Date: 3/18/2024 10:10:16 AM

Email: nicole.mickelson@state.mn.us

HF3799 - 0 - Office of Animal Protection

Chief Author: **Matthew Norris**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/18/2024 10:19:09 AM**
 Agency: **Attorney General**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		
		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	1	1	1
Total	-	-	1	1	1

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 3/15/2024 1:47:52 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund		-	-	200	200	200
Total		-	-	200	200	200
Biennial Total				200		400
2 - Revenues, Transfers In*						
General Fund		-	-	200	200	200
Total		-	-	200	200	200
Biennial Total				200		400

Bill Description

This bill creates the Office of Animal Protection (the Office) within the Bureau of Criminal Apprehension of the Department of Public Safety. The purpose of the Office is to “seek to promote a comprehensive and measurable approach” to the prevention of and response to animal cruelty. As such, the Office is empowered to collaborate with criminal justice partners and related disciplines to improve and/or establish investigation and prosecution capacity, training and certification, and public education. The Office may also collect, analyze, and report on data and research related to animal cruelty, including in an annual report to the legislature. Additionally, the bill establishes an advisory committee, the members of which are to be appointed by the commissioner, that will provide advice and assistance to the Office. Finally, the bill permits the Office to solicit and accept gifts, grants, or other contributions in furtherance of the purposes of the Office and to make grants to units of government and nonprofit organizations to promote animal protection efforts.

Assumptions

Ordinarily the AGO’s involvement would stem from enforcement authority granted to a client agency or from statutory direction to provide advice to the agency. The bill does not specifically provide for either and litigation likely would be undertaken by the respective criminal, licensing, or other authorities with whom the Office is authorized to collaborate. However, due to the specialized nature of the work undertaken by the Office, the AGO recognizes that the Office may seek prosecutorial support from the AGO. The AGO is prepared to offer such assistance at a cost to the Office as described in the fiscal note submitted by the Department of Public Safety.

The prosecutorial assistance provided by the AGO will be paid for and is described by the Department of Public Safety. The cost to the Attorney General’s Office for prosecutorial assistance is accounted for in the fiscal note submitted by the Department of Public Safety.

The Attorney General’s Office estimates that it will expend 1226 hours of attorney time and 0 hours of legal assistant (investigator/other staff) time per fiscal year.

Expenditure and/or Revenue Formula

AGO Expenditures

	Hourly Billing Rate	Hours	Total Cost to AGO [hours x billing rate]
Attorney, [list attorney division]	\$163	1226	\$199,838
Legal assistant, [Investigator/other non-attorney staff]	\$103		
<i>Other</i>			
Total			\$199,838

Costs billed to partner agency:

	Hourly Billing Rate	Hours	Total Amount [hours x billing rate]	Partner Agency
Attorney, Public Safety Division	\$163	1226	\$199,838	Public Safety
Legal assistant, [Investigator/other non-attorney staff]	\$103			
<i>Other</i>				

Total				

Long-Term Fiscal Considerations

n/a

Local Fiscal Impact

n/a

References/Sources

n/a

Agency Contact: Laura Sayles

Agency Fiscal Note Coordinator Signature: Laura Capuana

Phone: 651-402-2213

Date: 3/14/2024 11:20:25 AM

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HF3799 - 0 - Office of Animal Protection

Chief Author: **Matthew Norris**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/18/2024 10:19:09 AM**
 Agency: **Corrections Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/4/2024 10:24:44 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

H.F. 3799 establishes the Office of Animal Protection and expands the list of offenses included with the definition of "crime of violence" to include offenses under Minnesota Statutes chapter 343 (Prevention of Cruelty to Animals).

Assumptions

According to the Minnesota Sentencing Guidelines Commission (MSGC), there will be a negligible impact in the number of prison beds annually (less than 1).

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

The long term fiscal impact is expected to be negligible.

Local Fiscal Impact

The impact to local units of government is expected to be negligible.

References/Sources

Department of Corrections Staff

MSGC

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kwesi Pasley

Phone: 651-259-3667

Date: 3/4/2024 6:35:04 PM

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HF3799 - 0 - Office of Animal Protection

Chief Author: **Matthew Norris**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/18/2024 10:19:09 AM**
 Agency: **Public Defense Board**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/28/2024 4:58:40 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

The bill would create an office of animal cruelty and make a violation of Minnesota Statutes 343 a crime of violence.

A person previously convicted of a crime of violence, is banned from possessing a firearm or ammunition. No look back period is defined, so the ban is a lifetime ban.

Assumptions

In 2023 public defenders opened 23 cases under M.S. 343. Experience tells us that with the ban on firearms possession more of these cases will go to trial, however the numbers are not significant.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kevin Kajer

Phone: 612-279-3508

Date: 2/26/2024 10:35:51 AM

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HF3799 - 0 - Office of Animal Protection

Chief Author: **Matthew Norris**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/18/2024 10:19:09 AM**
 Agency: **Sentencing Guidelines Comm**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/28/2024 6:33:42 PM
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State Cost (Savings) Calculation Details

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Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Sections 1 through 7 establish the Office of Animal Protection within the Bureau of Criminal Apprehension; define its powers, duties, and reporting requirements; and provide staffing and an advisory committee.

Section 8 expands the list of offenses included within the definition of a “crime of violence” in Minn. Stat. § 624.712, subd. 5, by adding offenses under Minn. Stat. chapter 343 (Prevention of Cruelty to Animals).

Section 8 is effective August 1, 2024, and applies to crimes committed on or after that date.

Assumptions

Only felony animal cruelty offenses are added to the “crime of violence” list because Minn. Stat. § 624.712, subd. 5, limits the term to “felony convictions.”

A person previously convicted of a crime of violence, adjudicated delinquent for a crime of violence, or convicted as an EJJ for a crime of violence is banned from possessing a firearm or ammunition (Minn. Stat. § 624.713, subd. 1(2)). No lookback period is defined, so the ban is a lifetime ban.

The possession of a firearm or ammunition on or after August 1, 2024, by anyone having previously been convicted of a crime on the new list, is a violation of the ban. Thus, while the ban applies only to future firearm or ammunition possession, a felony animal cruelty conviction that occurred prior to August 1, 2024, will be sufficient to cause the ban to apply. (Tapia v. Leslie, Minn. 2020.)

A violation of the ban is a felony, with a statutory maximum penalty of 15 years imprisonment and/or a \$30,000 fine (Minn. Stat. § 609.165, subd. 1b(a) or 624.713, subd. 2(b)). This felony is subject to mandatory minimum prison sentences under Minn. Stat. § 609.11, including a five-year mandatory minimum penalty in subd. 5(b). This mandatory minimum penalty is waivable under certain circumstances described in subd. 8.

The addition of animal cruelty felonies to the “crime of violence” list will cause some increase in the number of violations of the ban. Because the ban is implicated by prior convictions of felonies on the list, the degree of the increase is assumed to be related to the degree to which the number of annual convictions on the new list has historically exceeded the number of annual convictions on the old list. Due to the COVID-19 health pandemic, the cases sentenced in 2020 and 2021 are not necessarily fair approximations of cases sentenced in the future.

According to MSGC monitoring data, from 2018 to 2022, 39,763 people were sentenced for felony-level offenses on the existing statutory “crime of violence” list (an average of 7,953 people a year). During the same time period, 39 people were sentenced for felony animal cruelty (an average of 8 people a year).

Not all people convicted of felony animal cruelty will be newly subject to the ban, however; some may have already been disqualified due to a previous conviction for an offense on the existing statutory “crime of violence” list. Of the 39 cases

mentioned above, MSGC staff examined the sentencing worksheets of a random sample of 30 cases (a 77% sample) to determine how many defendants were independently disqualified due to a previous conviction on the existing “crime of violence” list. MSGC staff found that 20 (67%) of the sampled defendants would have been newly subject to the ban due to the animal cruelty conviction; the remainder were independently disqualified due to “crimes of violence” in their criminal histories. Applying that percentage to the eight people annually sentenced for felony animal cruelty, it is assumed that five people ($8 \times 67\%$) annually will be newly disqualified from firearms possession, which represents 0.06 percent of the case volume of the offenses on the existing list ($5 \div 7,953$). If the previously stated assumptions are accurate, then, the number of convictions and sentences for violations of the ban after August 1, 2024, will increase by 0.06 percent.

According to MSGC monitoring data, from 2018 to 2022, 2,450 people were convicted and sentenced for violating the lifetime ban under the provisions in Minn. Stat. §§ 609.165, subd. 1b(a); or 624.713, subd. 2(b) (“Certain Persons Not to Have Firearms or Ammunition”) (an average of 490 people a year). As stated above, it is assumed that this number will increase by 0.06 percent to 490.3 people (an increase of 0.3 people) with the bill’s additions of felony animal cruelty to the “crime of violence” list.

The prison rate, from 2018 to 2022, for Certain Persons Not to Have Firearms or Ammunition, was 60 percent. This is an annual average of 294 people who received prison sentences. The average pronounced sentence was 56.3 months (serve 2/3 term of imprisonment = 37.5 mos.). It is estimated that those currently receiving prison sentences occupy 919 prison beds ($37.5 \times 294 \div 12$). Based on the 0.06 percent estimated increase in convictions and sentences for Certain Persons Not to Have Firearms or Ammunition cases, it likewise is assumed that there will also be a 0.06 percent increase in the number of prison beds needed, resulting in the need for 0.5 additional prison beds ($919 \times 0.06\%$).

The remaining 0.12 new annual sentences for Certain Persons Not to Have Firearms or Ammunition ($0.3 \text{ people} \times 40\%$) will not receive prison sentences because of downward dispositional departures. Most will, instead, receive probation sentences with local conditional confinement being a possible condition of probation. From 2018 to 2022, the average rate of conditional confinement for Certain Persons Not to Have Firearms or Ammunition was 89 percent with an average 159 days pronounced (serve 2/3 term = 107 days). It is assumed that these rates and durations will apply to the 0.12 new annual probationary sentences.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the assumptions above, there will be a need for less than one additional prison bed (0.5 additional prison beds) beginning in FY2025, and every year after.

Local Fiscal Impact

Based on the assumptions above, the local government fiscal impact is negligible. (Less than one additional local correctional bed will be needed statewide. This is $0.12 \text{ people} \times 89\%$ who will receive local confinement as a condition of felony probation; $0.1068 \text{ people} \times 107 \text{ days to serve} = 11.42 \div 365 = .031$ local correctional bed.)

References/Sources

2018-2022 MSGC Monitoring data.

Tapia v. Leslie, 950 N.W.2d 59 (Minn. 2020).

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HF3799 - 0 - Office of Animal Protection

Chief Author: **Matthew Norris**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/18/2024 10:19:09 AM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/28/2024 6:35:56 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

The bill creates a new chapter (299P) in Minnesota law establishing the Office of Animal Protection (OAP) within the Bureau of Criminal Apprehension. The bill details and defines the OAP’s powers and duties as they pertain to the issue of animal cruelty, including: (1) promoting comprehensive and measurable approaches to prevention, protection, enforcement, and education; (2) collaborating with criminal justice partners to “establish effective enforcement practices”; (3) building capacity to assist law enforcement and other criminal justice partners in “the investigation and prosecution of animal cruelty”; (4) providing standards, training, and certification for authorities and criminal justice partners; (5) providing education and building public awareness related to animal cruelty; (6) supporting the advisory committee created under this bill; (7) conducting case reviews for investigation, prosecution, and sentencing of animal cruelty cases; (8) collecting, maintaining, analyzing and reporting on data; and (9) conducting and compiling research and publicizing the results.

The bill indicates that the OAP’s work will incorporate multiple disciplines including: (i) investigations; (ii) prosecution; (iii) forensic veterinary medicine; (iv) animal care, transport, and housing; and (v) human welfare as it relates to offenders or victims of animal cruelty.

The bill establishes an advisory committee to assist the OAP in development and execution of its duties. The bill creates a director role and authorizes the director to hire staff. The bill authorizes the director to enter into contracts, receive grants, and issue grants in accordance with the powers and duties of the agency. The bill appropriates funds for the OAP.

"Times New Roman";mso-ansi-language:EN-US;mso-fareast-language:EN-US;
mso-bidi-language:AR-SA>The bill expands the definition of “crime of violence” in Minn. Stat. § 624.712, subd. 5 to include convictions for felony offenses under Chapter 343 (prevention of cruelty to animals).

Assumptions

It is assumed that it will take time for the OAP to be fully established and begin work. It is assumed that once the OAP has begun its work the number of criminal charges filed under Chapter 343 will increase due to increased awareness of and enforcement resources for instances of animal cruelty. It is assumed that the distribution of charges by offense levels (misdemeanor, gross misdemeanor, and felony) amongst cases charged under Chapter 343 will not significantly change, because the bill does not create any new criminal offenses and does not redefine any crimes under Chapter 343.

It is assumed that with felony convictions under Chapter 343 being defined as “crimes of violence” there may be an increase in litigation or trials in felony cases charged under Chapter 343. It is assumed, however, that with the low number of Chapter 343 case filings overall, the impact to judge and staff resources of any increase in litigation or trials would be minimal. It is also assumed there could be an increase in the number of charges filed for unlawful possession of firearms under Minn. Stat. § 624.713, subd. 1(2) based on an increase in the number of individuals with felony crimes of violence convictions who are prohibited by law from possessing firearms.

Expenditure and/or Revenue Formula

Based on data from the past five years (2019-2023), an average of 142 cases are charged statewide under Minnesota Statute Chapter 343 per year. The data show that, among those 142 cases, there is an annual statewide average of: 36 felony cases; 15 gross misdemeanor cases; 89 misdemeanor cases; and 2 petty misdemeanor cases.

If passage of this bill resulted in doubled case filings under Ch. 343, which seems unlikely, the total filings would still amount to an average of fewer than 4 cases per county per year. Using judicial branch data that estimates the judge and staff time required to process various types of criminal cases, a doubling of Chapter 343 case filings would not require an additional judge or court staff person statewide if the distribution of felony, gross misdemeanor, and misdemeanor cases remains consistent with data from the past five years. Also, such an increase in felony cases and convictions would not result in a significant increase in case filings alleging unlawful possession of a firearm under Minn. Stat. § 624.713, subd. 1(2). Thus, it is not anticipated that this bill will have a significant fiscal impact on the Judicial Branch.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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