

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 08-0958
Prime Sponsor(s): Sen. Isgar
 Rep. Curry

Date: March 10, 2008
Bill Status: Senate Agriculture
Fiscal Analyst: David Porter (303-866-4375)

TITLE: CONCERNING REQUIREMENTS FOR CONFINEMENT OF SPECIFIED LIVESTOCK.

Fiscal Impact Summary	FY 2008-2009	FY 2009-2010
State Revenue		
Cash Funds		
Fines Collection Cash Fund	\$ 0	\$ 0
State Expenditures		
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: The bill is effective upon signature of the Governor or upon becoming law without his signature. It applies to calves raised for veal beginning on January 1, 2012, and to gestating sows beginning on January 1, 2018.		
Appropriation Summary for FY 2008-2009: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

SB08-201 establishes a new class 2 misdemeanor for confining either calves raised for veal or gestating sows in a structure that does not allow the animal to stand up, lie down, and turn around without touching the enclosure's sides. Exceptions are made for animal testing, treatment, transportation, exhibition, and for periods of scientific or agricultural research. The bill applies to calves raised for veal beginning on January 1, 2012, and to gestating sows beginning on January 1, 2018.

State Revenue

This bill will have no impact on state revenue until FY 2011-12. At that point, fine revenue may be collected due to the class 2 misdemeanor.

Fines Collection Cash Fund. Per Section 18-1.3-501, C.R.S., the penalty for a class 2 misdemeanor is 3 to 12 months imprisonment in a county jail, a fine of \$250 to \$1,000, or both. Fine revenue not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration or imposing a fine, the impact to state revenue cannot be determined. However, a minimal of fine revenue (<\$5,000) is assumed under the bill.

Local Government Impact

The bill establishes a new class 2 misdemeanor for the improper confinement of calves raised for veal and gestating sows. The penalty for a class 2 misdemeanor is 3 to 12 months imprisonment in a county jail, a fine of \$250 to \$1,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$49.69 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space.

Departments Contacted

Agriculture

Judicial

Corrections

Public Safety