

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4094-03
Bill No.: SCS for HB 1188
Subject: Counties; Prisons and Jails
Type: Original
Date: April 19, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Crime Victims' Compensation	More than \$100,000	More than \$100,000	More than \$100,000
Total Estimated Net Effect on <u>Other</u> State Funds	More than \$100,000	More than \$100,000	More than \$100,000

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue** and the **State Treasurer's Office** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Labor and Industrial Relations (DOLIR)** assume proposed §595.045.8, RSMo, requires that in addition to convictions, which are presently included, pleas of guilty and findings of guilt entered in certain felony and misdemeanor criminal cases be subject to fines earmarked to the Crime Victims' Compensation Fund. Since pleas of guilty are presently entered as convictions by Missouri's circuit courts, this provision may only increase revenue into the fund in cases where a suspended imposition of sentence (SIS) is entered by the court. While DOLIR cannot estimate the number of class A or B felonies, class C or D felonies, or misdemeanor cases that are resolved with a suspended imposition of sentence, DOLIR believes that this provision may increase fund revenue. Conservatively, DOLIR assumes that this provision may provide approximately \$100,000 of additional revenue if an SIS in fact falls within the definition of "findings of guilt."

ASSUMPTION (continued)

DOLIR assumes proposed §595.045.8, RSMo, changes the statutory section that currently lists the inclusion of crimes that are subject to fines payable to the Crime Victims' Compensation Fund to a list that excludes the crimes that are not payable into the fund. This technical change in statutory wording has no fiscal impact.

Proposed §595.045.10, RSMo, eliminates the requirement that court clerks report delinquent crime victims compensation payments to the Department of Revenue by October 1st each year. This provision will have no fiscal impact since the supreme court rule referred to in existing §94.045.12, RSMo, has been adopted and will be effective July 1, 2004. Therefore, this rule will now govern the provision deleted in §595.045.10, RSMo. For the same reason, the deletion of existing §595.045.12, RSMo, is merely technical since the rule currently referred to in this subsection has been adopted, thereby making this subsection null and void.

In summary, DOLIR assumes the proposal would result in additional revenues to the Crime Victims' Compensation Fund. DOLIR assumes these revenues could exceed \$100,000 per fiscal year.

Officials from the **Greene County Sheriff's Office** and the **Boone County Sheriff's Office** did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
CRIME VICTIMS' COMPENSATION FUND			
<u>Revenues</u> – Department of Labor and Industrial Relations			
Fines on certain criminal cases	More than <u>\$100,000</u>	More than <u>\$100,000</u>	More than <u>\$100,000</u>
ESTIMATED NET EFFECT ON CRIME VICTIMS' COMPENSATION FUND	<u>More than</u> <u>\$100,000</u>	<u>More than</u> <u>\$100,000</u>	<u>More than</u> <u>\$100,000</u>

FISCAL IMPACT - Local Government

FY 2005
(10 Mo.)

FY 2006

FY 2007

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would clarify that various costs assessed in criminal cases must also be assessed in those cases in which a defendant pleads guilty. Many of the existing statutes use the term “convicted,” creating an ambiguity as to whether costs are to be assessed in cases where the court grants a suspended imposition of sentence and the defendant’s record is expunged upon successful completion of a probationary period.

The proposal would also amend the list of misdemeanor offenses for which a \$10 fee is assessed for the Crime Victims’ Compensation Fund. Current law lists 14 chapters of law for which the fee is assessed. The proposal would change this to all misdemeanors, except for driving offenses, watercraft regulations, and fish and game offenses.

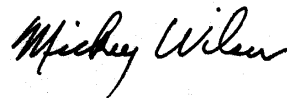
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Labor and Industrial Relations
Department of Revenue
State Treasurer's Office

NOT RESPONDING

Greene County Sheriff's Office
Boone County Sheriff's Office

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 19, 2004