

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4246-01
Bill No.: HB 1258
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies
Type: Original
Date: March 10, 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
Total Estimated Net Effect on <u>Other</u> 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 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 Public Safety** - Divisions of **Capitol Police**, **State Water Patrol** and **State Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the **Office of the State Public Defender (SPD)** state this proposed legislation will allow law enforcement officers to administer portable chemical tests prior to arrest to persons suspected of operating a vessel while intoxicated. The exact number of cases affected is too uncertain to provide a definitive dollar amount of fiscal impact. Nevertheless, there will be some impact.

Since the amount of impact is so uncertain, the SPD cannot assume existing staff will be able to provide representation in these cases. However, once the true impact is determined, the SPD will reassess the impact of this legislation. Passage of more than one bill increasing existing penalties, or creating new crimes, will require increased appropriations for the SPD.

ASSUMPTION (cotnined)

Officials from the **Office of Prosecution Services** assume prosecutors could absorb any costs arising from this proposal with existing resources.

Oversight assumes this proposal gives POST certified law enforcement officers the authority to administer portable chemical tests and does not require the state or local law enforcement officers to utilize them. Oversight assumes the proposal would have no fiscal impact to state or local agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<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 proposal allows any law enforcement officer certified pursuant to Chapter 590, RSMo, to administer a portable chemical test to any person suspected of operating a vessel while intoxicated. The results of the tests will be admissible as evidence of probable cause and as exculpatory evidence, but will not be admissible as evidence of blood alcohol content.

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 Public Safety
 Capitol Police
 Water Patrol
 Highway Patrol
Office of the State Public Defender
Office of the State Courts Administrator
Office of Prosecution Services

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

Mickey Wilson, CPA
Director
March 10, 2004