

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0830-05
Bill No.: HCS for HB 353
Subject: Criminal Procedure; Probation and Parole
Type: Original
Date: March 14, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	(More than \$100,000) to Unknown	(More than \$100,000) to Unknown	(More than \$100,000) to Unknown
Total Estimated Net Effect on General Revenue Fund	(More than \$100,000) to Unknown	(More than \$100,000) to Unknown	(More than \$100,000) to Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
State School Moneys*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds*	\$0	\$0	\$0

* Offsetting savings and losses to State School Moneys Fund.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government**	\$0	\$0	\$0

** Local School Districts would have offsetting income from increase fines and losses from reduced distribution from State School Moneys Fund.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Coordinating Board for Higher Education, Office of Administration, Department of Transportation, Department of Mental Health, Department of Health and Senior Services, Department of Social Services, Department of Public Safety – Missouri State Water Patrol, Missouri House of Representatives, Missouri Senate, State Treasurer’s Office, Boone County Sheriff’s Department, Parkway Public Schools, and Southwest Missouri State University** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would make numerous changes in the statutes relating to crimes and criminal procedure. CTS assumes there may be some increase in the workload and costs to the courts. CTS would not anticipate a cost in excess of \$100,000 in any given year.

ASSUMPTION (continued)

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this bill. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. Any increase in this money distributed to schools becomes a deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula with a proration factor of 1.00.

Officials from the **Department of Corrections (DOC)** assume the proposal creates and enhances many crimes at various levels. The cumulative effect is expected to have a significant but unknown fiscal impact on the DOC.

The DOC cannot currently predict the number of new commitments which may result from the creation/enhancement of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY04 average of \$38.37 per inmate per day, or an annual cost of \$14,005 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender per day, or an annual cost of \$1,150 per offender).

At this time, the DOC is unable to determine the number of people who would be convicted under the provisions of this bill and, therefore, the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum-security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

ASSUMPTION (continued)

In summary, supervision by the DOC through incarceration or probation would result in additional costs and although the exact fiscal impact is unknown, it is estimated that potential costs will be in excess of \$100,000 per year.

Officials from the **Office of the Secretary of State (SOS)** assume the proposal would give the Department of Public Safety, Department of Health and Senior Services, and the Department of Agriculture the authority to adopt rules to implement the provisions of this act. These rules would be published in the Missouri Register and the Code of State Regulations. These rules could require as many as 34 pages in the Code of State Regulations and half again as many pages in the Missouri Register, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the Missouri Register is \$23 and the estimated cost of a page in the Code of State Regulations is \$27. Based on these costs, the estimated cost of the proposal is \$2,091 in FY 06 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposal would result in minimal programming costs. MHP assumes these costs would be absorbed within existing resources.

Removes Requirement that Judge in a DWI Case be an Attorney (§§302.321, 302.541, 577.023, 577.500)

Officials from the **Department of Revenue (DOR)** assume they will be required to modify existing automated program edits in order to no longer edit to determine if the judge hearing certain cases is an attorney. These programming modifications will be accomplished with existing resources within the DOR.

ASSUMPTION (continued)

Anhydrous Ammonia Additive Fund – Section 1

Officials from the **Department of Agriculture (AGR)** assume there are approximately 200 anhydrous ammonia facilities in the state. AGR anticipates the need for ½ FTE Sr. Office Support person (each at \$22,292 per year) to be responsible for receiving disbursement requests with appropriate receipts/documentation, verifying information, coding requests for payment, sending disbursements to distributors, and working with Department of Revenue to ensure funds are used for purposes specified. AGR estimates the fiscal impact to be \$15,352 in FY 06 and approximately \$18,000 in subsequent years.

Oversight assumes the AGR could absorb the cost of the proposed legislation within existing resources. If the AGR experiences an increase that would require additional funding, the AGR could request the funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
GENERAL REVENUE FUND			
<u>Savings</u> – Reduced appropriations to State School Moneys Fund	Unknown	Unknown	Unknown
<u>Costs</u> – Office of State Courts Administrator			
Increased workload	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs</u> – Department of Corrections			
Incarceration/probation costs	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(More than \$100,000) to Unknown</u>	<u>(More than \$100,000) to Unknown</u>	<u>(More than \$100,000) to Unknown</u>

STATE SCHOOL MONEYS FUND

<u>Savings</u> – Reduced distributions to local school districts	Unknown	Unknown	Unknown
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<u>Losses</u> – Reduced appropriations from General Revenue Fund	(Unknown)	(Unknown)	(Unknown)
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ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
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SCHOOL DISTRICTS

<u>Revenues</u> – Incomes from fines	Unknown	Unknown	Unknown
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<u>Losses</u> – Reduced distribution from State School Moneys Fund	(Unknown)	(Unknown)	(Unknown)
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ESTIMATED NET EFFECT ON SCHOOL DISTRICTS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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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 make numerous changes in the statutes relating to crimes and criminal procedure including:

Expand the list of those entities required to send fingerprints of job applicants to MULES (§43.543);

Add additional drugs to the list of controlled substances (§195.017);

DESCRIPTION (continued)

Remove tobacco violations from juvenile court jurisdiction (§211.031);

Add failure to register as a sex offender to those supervised by Probation and Parole (§217.750);

Increase the penalty for failure to yield to an emergency vehicle (§);

Add urine tests to the chemical tests for BACs involving vessel operation (§§306.112, 306.114, 306.116, 306.117, 306.119);

Provide that grand juries need not examine public buildings (§540.031);

Provide that Probation and Parole may not convert certain consecutive sentences to concurrent sentences (§558.019);

Allow the court to extend probation for certain probation violators by one year (§§559.016, 559.036);

Create new sex offenses (§566.086);

Expand the crimes of endangering the welfare of a child (§§568.045, 568.050);

Remove the requirement that the judge in a DWI case must be an attorney in order to use the conviction to enhance punishment (§§302.321, 302.541, 577.023, 577.500);

Extend the statute of limitations for arson and arson-related (§§569.040, 569.050);

Make changes in search warrant procedure (§542.276);

Eliminate petition for early release (§558.016);

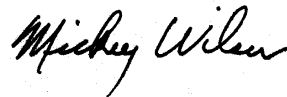
Create the Anhydrous Ammonia Additive Fund (Section 1); and

Create several other new crimes.

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 Agriculture
Coordinating Board for Higher Education
Office of Administration
Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Transportation
Department of Mental Health
Department of Corrections
Department of Health and Senior Services
Department of Revenue
Department of Social Services
Department of Public Safety
 – Missouri State Water Patrol
 – Missouri State Highway Patrol
Missouri House of Representatives
Missouri Senate
Office of the Secretary of State
State Treasurer's Office
Boone County Sheriff's Department
Parkway Public Schools
Southwest Missouri State University



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