

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1534-01
Bill No.: HB 640
Subject: State Attorney General; Science and Technology
Type: Original
Date: March 9, 2005

FISCAL SUMMARY

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

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

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

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Division of Information Services** and the **Department of Public Safety – Director’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 **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of the Attorney General (AGO)** assume there may be new complaints filed alleging a violation of either 407.1144 or 407.1148. To the extent the number of new complaints is small, the AGO anticipates the costs can be absorbed.

ASSUMPTION (continued)

The AGO assumes to the extent there is a significant number of complaints or if the complaints filed involve a large number of e-mails that are alleged to violate the statute, the AGO anticipates that there will be additional costs to investigate and prosecute these cases. While the AGO cannot anticipate those costs, AGO assumes new costs would be less than \$100,000 per year. To the extent the AGO brings civil actions under this bill that result in civil penalties, AGO assumes those penalties would be deposited in the Merchandising Practices Revolving Fund and the AGO could seek appropriations from that fund to enforce this statute.

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

Officials from the Department of Corrections and the Office of the State Public Defender did not respond to Oversight's request for fiscal impact.

Oversight assumes the Department of Corrections could experience increased supervision by the DOC through probation or incarceration. This would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, Oversight assumes the impact would be less than \$100,000 per year for the DOC.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
GENERAL REVENUE FUND			
<u>Costs</u> – Department of Corrections			
Incarceration/probation costs	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(<u>Less than</u> <u>\$100,000</u>)	(<u>Less than</u> <u>\$100,000</u>)	(<u>Less than</u> <u>\$100,000</u>)

FISCAL IMPACT - Local Government

FY 2006
(10 Mo.)

FY 2007

FY 2008

\$0

\$0

\$0

FISCAL IMPACT - Small Business

The proposed legislation could have a fiscal impact on small businesses.

DESCRIPTION

The proposed legislation would create the crime of aggravated fraudulent transmission of multiple commercial e-mail messages, a class C felony. The Attorney General or any e-mail service provider that is injured by a violation of the provisions of the bill may bring a civil action against an offender. The civil action must be commenced at any time within two years of the transmission. The court may impose a civil penalty against the offender in an amount that is the lesser of \$25,000 for each day a violation occurs or not less than \$2 but not more than \$8 for each commercial e-mail message violation.

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 the Attorney General
Office of Administration
 – Division of Information Services
Office of State Courts Administrator
Department of Public Safety
 – Director's Office
Office of Prosecution Services

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NOT RESPONDING

**Department of Corrections
Office of the State Public Defender**

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

Mickey Wilson, CPA
Director
March 9, 2005