

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1657-02  
Bill No.: HB 633  
Subject: Crimes and Punishment; Drugs and Controlled Substances; Law Enforcement  
Officers and Agencies  
Type: Original  
Date: March 8, 2005

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**FISCAL SUMMARY**

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

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

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Mental Health**, the **Department of Social Services**, the **Department of Public Safety - Missouri State Highway Patrol**, the **Office of State Courts Administrator**, and the **Department of Public Safety - Director's Office** assume this proposal would not fiscally impact their agencies.

Officials from the **State Public Defender (SPD)** did not respond to our fiscal note request. **Oversight** assumes no fiscal impact to the SPD.

Officials from the **Office of Prosecution Services (OPS)** assume this proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Department of Health and Senior Services (DOH)** assume this proposal would not fiscally impact their agency. The DOH states if an impact were to result, funds to support the program would be sought through the appropriations process.

Officials from the **Department of Corrections (DOC)** assume this proposal adds substances to the controlled substance schedules. DOC states this increases the chance of arrest and/or

ASSUMPTION (continued)

conviction due to the penalty provisions currently in state statute that refer back to possessing, manufacturing and trafficking those specific substances. The DOC cannot predict the number of new commitments which may result from the addition of substances to the controlled substance schedule 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).

In summary, supervision by the DOC through probation or incarceration 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, DOC assumes the impact would be less than \$100,000 per year for their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
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**GENERAL REVENUE**

<u>Costs - Department of Corrections</u>			
Probation or Incarceration costs	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>

<b>ESTIMATED NET EFFECT TO GENERAL REVENUE</b>	<b><u>(Less than \$100,000)</u></b>	<b><u>(Less than \$100,000)</u></b>	<b><u>(Less than \$100,000)</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

### DESCRIPTION

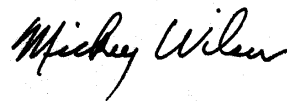
This proposal adds salvia divinorum and 12 other compounds to the list of controlled substances and clarifies which forms of anabolic steroids are included within schedule II controlled substances.

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 Mental Health  
Department of Public Safety -  
    Director's Office  
    Missouri State Highway Patrol  
Office of State Courts Administrator  
Office of Prosecution Services  
Department of Social Services  
Department of Health and Senior Services  
Department of Corrections

**NOT RESPONDING: State Public Defender**



Mickey Wilson, CPA  
Director  
March 8, 2005