

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3558-04  
Bill No.: HCS for HB 1026  
Subject: Crimes and Punishment; Funerals and Funeral Directors.  
Type: Original  
Date: February 22, 2006

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
<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 2007	FY 2008	FY 2009
<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 2007	FY 2008	FY 2009
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Public Safety - Director's Office** and the **Veterans' Commission** each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version of the proposal, officials from the **Department of Corrections** assumed the proposal would not fiscally impact their agency.

In response to a previous version of the proposal, officials from the **Office of Prosecution Services** stated the proposal will not have a significant direct fiscal impact on county prosecutors, although it may lead to an increase in prosecutions / caseloads.

In response to a previous version of the proposal, officials at the **Office of State Public Defender (SPD)** stated they cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crime of protesting during a funeral service. This new crime will require more Public Defender resources.

ASSUMPTION (continued)

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further extend resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Platte County Sheriff's Office** state there could be costs associated with enforcement if the law is violated such as deputy time to make arrests, cost incarceration and prosecution. The amount per fiscal year cannot be estimated, but incidents described in the bill are rare.

Officials from the **St. Joseph Police Department** state the legislation should have no fiscal impact, however, 300 feet may not be sufficient to prevent the disruption of a funeral.

Officials from the **Buchanan County Sheriff's Office** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2007	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007	FY 2008	FY 2009
	<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 makes it a class B misdemeanor to picket or protest within 300 feet of or about any church, cemetery, or funeral establishment within one hour prior to the commencement of any funeral and until one hour following the cessation of any funeral. Any subsequent violation will be a class A misdemeanor.

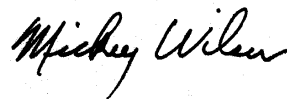
The proposal has an emergency clause.

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  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Corrections  
St. Joseph Police Department  
Platte County Sheriff

**NOT RESPONDING: Buchanan County Sheriff**



Mickey Wilson, CPA  
Director  
February 22, 2006