

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3678-02
Bill No.: HB 1317
Subject: Crimes and Punishment
Type: Original
Date: February 20, 2006

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|------------------|------------------|------------------|
| FUND AFFECTED | FY 2007 | FY 2008 | FY 2009 |
| General Revenue | (Unknown) | (Unknown) | (Unknown) |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | (Unknown) | (Unknown) | (Unknown) |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2007 | FY 2008 | FY 2009 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2007 | FY 2008 | FY 2009 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|-------------------------------------|----------------------------------|----------------------------------|----------------------------------|
| FUND AFFECTED | FY 2007 | FY 2008 | FY 2009 |
| Local Government | (More than \$100,000) | (More than \$100,000) | (More than \$100,000) |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services, Department of Transportation,** and the **Department of Conservation** 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 **Department of Corrections (DOC)** anticipate no fiscal impact for this bill that cannot be absorbed within existing resources. In fact, most of what would be required due to passage of this proposal is already considered a standard within DOC.

Since a time-frame isn't stipulated in the language of the bill, DOC assumes that if the photograph is taken within 30 days prior to release that this will be an acceptable window of time. Upon passage of the bill, this task will be added to the existing release procedures.

ASSUMPTION (continued)

Officials from the **Office of Administration (COA)** assume it is not possible to estimate the fiscal impact of the proposed legislation. Currently, state employees may be granted time off with compensation in compliance with a subpoena to appear in court or before a judge, any legislative committee, or any officer, board, or body authorized to conduct any hearing or inquiry, except when the employee is a plaintiff or defendant in a cause of action not arising out of employment, or for jury service.

COA officials assume that although an employee would not have to be compensated to cover the absence, it could result in additional time off by an employee that an employer would have to cover by providing overtime to other employees.

Officials from the **St. Louis County Department of Justice Services** assume the proposal would require an estimated additional 2½ staff persons to take the additional photos of the 30,000 persons released annually from the County Jail. The estimated additional annual staff cost would be \$100,000. In addition, the material cost to copy one color photo upon request of a victim would be \$1.00. The total material cost would depend on the number of photos requested by victims per year.

Oversight assumes state agencies and political subdivisions could incur costs in the form of additional overtime to employees to cover for employees who are out due to the provisions in this proposal.

Oversight assumes local law enforcement agencies could experience increased personnel costs and materials costs to comply with the provisions requiring photographs of persons released from incarceration.

Officials from the City of Kansas City, City of St. Louis, City of Springfield, Jackson County, and Greene County did not respond to Oversight's request for fiscal impact.

| <u>FISCAL IMPACT - State Government</u> | FY 2007 (10 Mo.) | FY 2008 | FY 2009 |
|---|---|---|---|
| GENERAL REVENUE FUND | | | |
| <u>Costs – Various State Agencies</u> | | | |
| Overtime | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| <u>FISCAL IMPACT - Local Government</u> | FY 2007 (10 Mo.) | FY 2008 | FY 2009 |
| POLITICAL SUBDIVISIONS | | | |
| <u>Costs – Law Enforcement Agencies</u> | | | |
| Staff cost and photo cost | (More than \$100,000) | (More than \$100,000) | (More than \$100,000) |
| <u>Costs – Political Subdivisions</u> | | | |
| Overtime | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS | <u>(More than \$100,000)</u> | <u>(More than \$100,000)</u> | <u>(More than \$100,000)</u> |

FISCAL IMPACT - Small Business

Small businesses could experience a fiscal impact as a result of the proposed legislation. The proposal would not allow an employer to require the use of vacation time for an employee to respond to a subpoena, attend a criminal proceeding, or participate in the preparation of a criminal proceeding. Although an employee would not have to be compensated to cover the absence, it could result in additional time off by an employee that an employer would have to cover by providing overtime to other employees.

DESCRIPTION

The proposed legislation requires a photograph to be taken of every incarcerated individual and made available to the victim upon request. The proposal also allows victims to be represented by an appointed person instead of a personal appearance during parole and probation revocation hearings for the defendant. The victim's appointee who honors any subpoena to testify in or attend a criminal proceeding is protected from discharge by any employer.

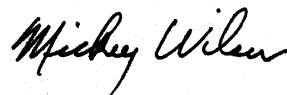
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration
Department of Transportation
Office of State Courts Administrator
Department of Corrections
Department of Social Services
Department of Conservation
St. Louis County Department of Justice Services

NOT RESPONDING

City of Kansas City
City of St. Louis
City of Springfield
Jackson County
Greene County



Mickey Wilson, CPA
Director

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