

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3678-04  
Bill No.: HCS for HB 1317  
Subject: Crimes and Punishment  
Type: Original  
Date: February 24, 2006

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<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>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<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 6 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>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Social Services** and the **Department of Conservation** assume the proposal would have no fiscal impact on their agencies.

In response to a previous version of the proposal (HB 1317, LR # 3678-02), officials from the **Department of Transportation** assumed the proposal would have no fiscal impact on their agency.

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.

ASSUMPTION (continued)

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.

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. COA does not have a way of estimating the number of employees that would be able to claim time off for the reasons included in the proposed legislation. Since an estimate would be speculative, none is provided.

Officials from the **St. Louis County Department of Justice Services** assume additional staff costs may be necessary depending on the number of requests by victims for prisoner photos. One additional staff person would cost approximately \$30,000. If the same photo could be given that was taken upon the initial admission of the prisoner, then no additional staff costs would be necessary. The material costs to copy one color photo upon request of the victim would be \$1. The total material costs would depend on the number of photos being requested by victims per year.

**Oversight** assumes state agencies 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 these costs would be paid out of current appropriations. Therefore, Oversight has shown no fiscal impact.

**Oversight** assumes 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 these costs would be paid out of current budgets. Therefore, Oversight has shown no fiscal impact.

ASSUMPTION (continued)

**Oversight** assumes local law enforcement agencies could experience increased personnel costs and materials costs to comply with the provisions requiring, upon victim's request, 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
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
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**POLITICAL SUBDIVISIONS**

<u>Costs – Law Enforcement Agencies</u>			
Staff cost and photo cost	(Unknown)	(Unknown)	(Unknown)

<b>ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS</b>	<u><b>(Unknown)</b></u>	<u><b>(Unknown)</b></u>	<u><b>(Unknown)</b></u>
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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 victim's 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. For sexual offenses and certain offenses against the family where an imposition of sentence is suspended, the official records pertaining to the case shall be made available, upon request, to the victim for the purpose of using the records in his or her own judicial proceedings.

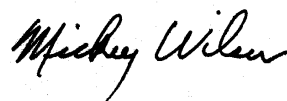
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### 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**



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Director  
February 24, 2006

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