

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5178-02
Bill No.: HB 1770
Subject: Elementary and Secondary Education; Department of Elementary and Secondary Education; Law Enforcement Officers and Agencies
Type: Original
Date: February 24, 2006

FISCAL SUMMARY

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

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	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol** assume 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 **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Department of Corrections (DOC)** assume they cannot currently predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

ASSUMPTION (continued)

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 (FY05 average of \$39.13 per inmate, per day or an annual cost of \$14,282 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).

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders;
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence; and
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Oversight assumes, based on Department of Corrections's response, that any additional money collected to distribute to schools will be minimal. Therefore, Oversight has shown no fiscal impact to school districts, State School Moneys Fund, or General Revenue.

ASSUMPTION (continued)

Officials from the Office of the State Public Defender, Columbia Public Schools, Kansas City Public Schools, Mexico Public Schools, Nixa Public Schools, Parkway Public Schools, Sedalia School District, and St. Louis Public Schools did not respond to Oversight's 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

The proposed legislation prohibits certain sexual offenders from entering onto property owned by a public school, private school giving instruction in a grade or grades not higher than the twelfth grade, or child care facility unless the person is the parent, legal guardian, or custodian of a student or child attending the facility. A parent, legal guardian, or custodian who has been convicted of or found guilty of certain sexual offenses shall notify the school or child-care facility in writing at the time of enrolling the child that he or she is a sexual offender, and the specific sexual offenses he or she has violated.

A parent, guardian, or custodian entering any buildings owned by a school or child care facility shall notify the administration and be accompanied by an employee.

A parent, guardian, or custodian shall not remain at the parking, drop-off, or pick-up areas for longer than 15 minutes without notifying school administration.

BLG:LR:OD (12/02)

DESCRIPTION (continued)

A violation of these provisions will be a class D felony.

The proposal contains an emergency clause, and shall be in full force and effect upon passage and approval.

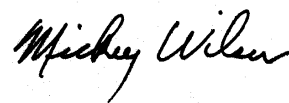
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Corrections
Department of Public Safety
 – Missouri State Highway Patrol
Office of Prosecution Services

NOT RESPONDING

Office of the State Public Defender
Columbia Public Schools
Kansas City Public Schools
Mexico Public Schools
Nixa Public Schools
Parkway Public Schools
Sedalia School District
St. Louis Public Schools



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L.R. No. 5178-02
Bill No. HB 1770
Page 6 of 6
February 24, 2006

Director
February 24, 2006

BLG:LR:OD (12/02)