

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0947-01
Bill No.: HB 207
Subject: Criminal Procedure: County Government, Courts
Type: Original
Date: March 1, 2007

Bill Summary: Modifies provisions relating to County Law Enforcement Restitution Funds.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of the State Courts Administrator** stated that this proposal would allow the court to order a person to pay into the county law enforcement restitution fund for various traffic offenses.

Officials assume that traffic cases are technically misdemeanors, and if this bill allows as an alternative to a traffic conviction, a defendant can get a suspended sentence for payment into the county law enforcement restitution fund, the potential volume could be in the thousands of cases.

Officials stated that if cases would otherwise have resulted in a conviction are shifted to a suspended imposition or execution of sentence, it is likely to result in the loss of revenue from fines to the schools, crime victims' compensation fund, law enforcement training, and other earmarked funds. Currently, the total cost for a traffic ticket stands at \$56.50. This proposal would significantly increase the cost of those tickets where the fee was assessed.

Officials of the **Department of Public Safety** assume no fiscal impact.

Officials of the **Department of Elementary and Secondary Education** stated they assume no fiscal impact.

Officials of the **Department of Social Services** assume no fiscal impact.

Officials of the **Boone County Sheriff's Office** assume if a restorative justice program were established there would be costs associated with administration of the program.

Oversight assumes that this proposal would allow County Commissions to establish restorative justice programs. **Oversight** assumes this act would be discretionary and would have no fiscal impact without action of the governing body. This proposal would allow the Courts to order a person to pay into the County Law Enforcement Restitution Fund for a moving violation. This proposal as written does not require actions that would have fiscal impact. **Oversight** assumes no state or local fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2008
(10 Mo.)

FY 2009

FY 2010

**COUNTY LAW ENFORCEMENT
RESTITUTION FUND**

Income - From court ordered assessment on moving violations \$0 or Unknown \$0 or Unknown \$0 or Unknown

Costs - From providing law enforcement related services, programs and functions. \$0 or (Unknown) \$0 or (Unknown) \$0 or (Unknown)

**ESTIMATED NET EFFECT TO
COUNTY LAW ENFORCEMENT
FUND *** **\$0** **\$0** **\$0**

*** Establishment of a restorative justice program is permissive.**

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill allows a County Commission to establish a restorative justice program in the county or regional jail whereby offenders will be required to offer acts and expressions of sincere remorse for the crimes they committed. Program requirements may include community service work and participation in victim-oriented programs. Completion of a restorative justice program may entitle the offender to an early discharge after three-fourths of his or her full sentence is served. Violation of the terms of the program may require, at the discretion of the sentencing court, the prisoner to complete the entire balance of his or her jail sentence in actual confinement. For the purpose of liability, any person performing services under the restorative justice program will not be deemed an employee as it relates to Missouri law.

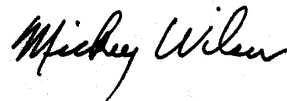
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Department of Elementary and Secondary Education
Office of the State Courts Administrator
Department of Social Services
Boone County Sheriff

NOT RESPONDING

Office of Prosecution Services
Cass County
Clay County
Franklin County
Greene County
Jefferson County
Johnson County
Laclede County
Lafayette County
New Madrid County
Ozark County
Perry County
Platte County
Pulaski County
St. Charles County
Taney County
Warren County
Buchanan County Sheriff
Clark County Sheriff
Greene County Sheriff
Jackson County Sheriff
Platte County Sheriff
St. Louis County Sheriff



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Director
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