

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0998-05
Bill No.: HCS for HBs 406 & 726
Subject: Crimes and Punishment; Boats and Watercraft; Transportation
Type: Original
Date: April 9, 2007

Bill Summary: This proposal modifies various provisions relating to crime.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(Unknown - exceeding \$1,012,210)	(Unknown - exceeding \$573,379)	(Unknown - exceeding \$580,406)
Total Estimated Net Effect on General Revenue Fund	(Unknown - exceeding \$1,012,210)	(Unknown - exceeding \$573,379)	(Unknown - exceeding \$580,406)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Highway Funds	(Less than \$388,750)	(Less than \$248,500)	(Less than \$244,375)
Law Enforcement Safety	\$1,371,689 to \$2,167,806	\$1,669,749 to \$2,506,033	\$1,728,105 to \$2,541,259
State School Moneys	\$0	\$0	\$0
Public Safety Enhancement	\$0	\$0	\$0
Reverend Nathaniel Cole Memorial Pursuit Reduction	\$0	\$0	\$0
Department of Health and Senior Services Document Services	\$3,605	\$3,713	\$3,824
Total Estimated Net Effect on <u>Other</u> State Funds	\$986,544 to \$1,782,661	\$1,424,962 to \$2,261,246	\$1,487,554 to \$2,300,708

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 28 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
General Revenue	4 FTE	4 FTE	4 FTE
Total Estimated Net Effect on FTE	4 FTE	4 FTE	4 FTE

☐ 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	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation contains numerous provisions, some of which have been reviewed previously.

Section 50.565, RSMo, would allow the court to order a person to pay into the county law enforcement restitution fund for a moving violation.

Traffic cases are technically misdemeanors, and if 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.

If cases that 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,

ASSUMPTION (continued)

crime victims' compensation, 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.

Sections 306.111 and 306.112, RSMo, would increase the jurisdiction of the Water Patrol to include any water of the state, rather than only the Mississippi River, Missouri River, or the lakes of this state. In addition, a person commits the crime of operating a vessel with excessive blood alcohol content (BAC) if such person operates a vessel with a BAC of .08 rather than .10.

Some cases may become protracted. Depending on the degree of enforcement, there could be a significant increase in the number of cases filed. However, we have no way of estimating that increase. Any significant increase would be reflected in future budget requests.

Sections 479.260 and 488.5032, RSMo, would allow courts to charge costs in some criminal and municipal cases where the charges are dismissed.

Officials from the **Department of Elementary and Secondary Education (DESE)** state 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.

Officials from the **Office of the Secretary of State (SOS)** note that many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$2,500. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget.

ASSUMPTION (continued)

Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Department of Corrections (DOC)** state, currently, they cannot 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.

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 (FY06 average of \$39.43 per inmate, per day or an annual cost of \$14,394 per inmate) or through supervision provided by the Board of Probation and Parole (FY06 average of \$2.52 per offender, per day or an annual cost of \$920 per offender).

In summary, supervision by the DOC through incarceration or probation would result in additional costs and although the exact fiscal impact is unknown, it is estimated that potential costs will be in excess of \$100,000 per year.

Section 57.265;

Officials of the **Department of Public Safety** assumes the program in section 57.265 would require monthly payouts to 101 counties for program reimbursement. Officials assume they would need 1 FTE, (Accountant II), to administer this program. Officials estimate total annual cost in FY 08, (10 months), at \$56,062 of which \$4,837 is one-time costs for equipment. Cost estimates for \$63,312 in FY 09; and \$65,212 in FY 2010.

Section 84.160;

In response to HB 556 from this year, officials of the **St. Louis Metropolitan Police Department - Director of Budget and Finance** stated at the minimum this proposal would cost the department another \$500,000 annually.

In fiscal note 0156-02 SB 342 the **St. Louis Police Retirement System** stated that overtime is not a part of pension wages and this proposal would not impact the retirement system.

ASSUMPTION (continued)

Oversight assumes the allowed compensation for overtime is mandatory and will show fiscal impact as \$500,000. Oversight assumes the \$500,000 estimate was the minimum costs estimated.

Sections 195.378 - 195.399;

Officials from the **Department of Health and Senior Services (DOHSS)** state this part of the bill will create a prescription drug monitoring program for controlled substances. The program will establish a database for controlled substance prescription information submitted by licensed pharmacies and dispensing practitioners in the department of health and senior services. Using this database, requests for reports will be submitted to the DOHSS by practitioners, pharmacies, state regulatory agencies and law enforcement. Patients will also be able to request a report of their own controlled substance use. In addition, this database will be used to support activities in enforcement of state controlled substance laws by the Bureau of Narcotics and Dangerous Drugs, where the program will be housed.

Past fiscal note estimates for proposed legislation filed in previous legislative sessions to create a prescription monitoring program were based upon the experience of other states. Over the past several years, there have been an increasing number of states either with enabling legislation in place to create a prescription monitoring program or with active prescription monitoring programs in place. As a result, there is also increased competition among vendors providing services and support.

Information related to prescription monitoring program vendor contract information was sought and obtained related to other states with active prescription monitoring programs. The information obtained reflects costs associated with contracts with one vendor. Based upon the competitive nature of these contracts, it is assumed for the purposes of this fiscal note that costs for implementing such a program in Missouri would be similar to the cost information obtained.

ASSUMPTION (continued)

Vendor Cost Information for Implementation of a Prescription Monitoring Program:

Program manager (database building, data management)	\$105,000
Power search (reporting capabilities)	\$150,000
Web center (requests and provision of reports to practitioners)	\$ 96,000
State specific customization (10% of costs noted above)	\$ 35,000
Pseudoephedrine sales tracking program (optional)	<u>\$105,000</u>
Subtotal	\$491,000
Collection of data from dispensers	\$120,000
Implementation and training (one time cost)	<u>\$ 35,000</u>
Total	<u>\$646,000</u>

ITSD needs:

3 Servers, MSSQL Server License (database), SSL Certificate (for encryption), Staff time, and Crystal Decisions Crystal Reports - Developer Edition V9.0 for a cost of \$62,000.

Implementation costs: $\$646,000 + \$62,000 = \$708,000$

The U.S. Department of Justice, Bureau of Justice Assistance has announced the availability of implementation grants to assist states in implementing prescription monitoring programs. An application will be submitted for a maximum of \$400,000 in one time grant monies in response to this competitive grant announcement. Subsequent grant monies may be available for enhancements to the program. Since we are not assured of receiving these grant funds, this amount has not been included in the fiscal note worksheet.

On-going, annual costs of the program:

These costs were estimated to be

Approximately 20% of the \$491,000 vendor implementation costs, plus \$120,000 annual cost for collection of data from dispensers, or

$$\$491,000 \times 0.20 = \$ 98,200$$

$$\$ 98,200 + \$120,000 = \$218,200$$

Approximately one-third of the initial cost of ITSD hardware and software needs,

or

$$\$ 62,000 / 3 = \$ 21,000$$

$$\$218,200 + \$ 21,000 = \$239,200$$

Staffing for the Bureau of Narcotics and Dangerous Drugs:

ASSUMPTION (continued)

One Health and Senior Services Manager (1) will be needed to perform the following duties:

- Develop grant requests for DEA funds and prepare required reporting based on the conditions of any grant received;
- Draft a Request for Proposal to solicit bids for the required database. Once the contract is awarded, this individual will be needed on an ongoing basis to monitor the database contract and program, maintain ongoing communication with professional organizations regarding compliance with reporting requirements, and other state and local agencies and the public regarding the program;
- Coordinate with investigative management of the BNDD for enforcement activities and with law enforcement and regulatory agencies of this and other states for sharing data and tracking outcomes;
- Develop policies and procedures for reporting by dispensers, access to data by authorized parties; provide technical assistance to program participants on matters relating to the program;
- Supervise subordinate staff involved in program implementation; and
- Design and prepare reports of program data; and review data collected to determine trends.

It may be possible to include many of these functions in the vendor contract, or to require the vendor to provide staffing for those functions as part of the vendor contract. This would increase initial and ongoing costs related to this contract. The salary included for the broad-band manager position is equivalent to entry level plus two steps.

One Office Support Assistant (keyboarding), would be necessary to provide clerical support to the program and to respond to inquiries and requests for database reports received. This individual will perform coordination of communication with other agencies and the public and maintenance of memoranda of understanding for data sharing; assist practitioners in obtaining access to the reporting subsystem of the program and generate and e-mail, or generate, print and fax reports as requested by authorized individuals and agencies that cannot access this information via the internet. This individual will also be responsible for responding to routine telephone inquiries regarding the program. A New Decision Item has been submitted for an on-line registration process for the Bureau of Narcotics and Dangerous Drugs. Should this request be funded, a portion of the duties of existing staff might be shifted to eliminate the need for one new FTE. The salary included for the Office Support Assistant is two-steps above entry level.

ASSUMPTION (continued)

Section 221.040;

Officials from the **Springfield Police Department** state hospitals will bill the agency for treatment of intoxicated individuals, especially on DWI arrests. The suspect will refuse to pay as he did not request the hospitalization. Annual costs are estimated at \$25,000 for hospital bills. Labor costs for Police Officers to guard all detainees at the hospital are estimated to be \$10,000 or more annually.

Oversight will assume this part of the proposal will result in an unknown increase in costs to local police departments and sheriff's offices statewide.

Section 287.067;

Officials from the **Department of Labor and Industrial Relations (DOLIR)** state the language in this section makes the standard of proof lower. Firefighters currently have this burden of proof. Currently police officers can claim psychological stress but the standard is higher. There may still be the same number of psychological stress claims for police (which right now is minimal) but there might be a few more that actually receive benefits (this will probably also be negligible). This change shouldn't have a noticeable impact on political subdivisions and will not have any affect on DOLIR.

Section 304.022;

Officials from the **Department of Conservation** assume the proposal would not fiscally impact their agency.

Section 304.070;

Officials from the **Department of Revenue** assume the proposal would not fiscally impact their agency.

Section 304.230;

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposed legislation would require commercial vehicle enforcement officers to meet the mandatory standards for basic training and licensing of peace officers.

ASSUMPTION (continued)

The Commercial Vehicle Enforcement Division of the MHP currently employs 141 Commercial Vehicle Officers (CVOs). The proposed legislation requires current Commercial Vehicle Officers to comply with the mandatory standards regarding police officer basic training and licensure. The required training is 600 hours for 15 weeks.

The cost for providing the training is \$275 per week per student, which is equal to \$4,125 (\$275 x 15 weeks). The total cost to train the 141 Commercial Vehicle Officers would be \$581,625 (\$4,125 x 141 officers).

For CVO officers to have completed the training by July 1, 2010 per the legislation, a total of four training classes would need to be held with approximately 35 - 36 students per class and there would be two classes in FY 2008, one class in FY 2009 and one class in FY 2010.

Therefore, the MHP estimates the following fiscal impact:

FY 2008	\$288,750	(\$4,125 x 70 officers);
FY 2009	\$148,500	(\$4,125 x 36 officers); and
FY 2010	<u>\$144,375</u>	(\$4,125 x 25 officers);
	\$581,625	

The MHP assumes this cost would be paid from the General Revenue Fund.

Currently, the CVO's train for 12 weeks. However, these 12 weeks of training would not count towards the 600 hour POST requirement because most of the classes are not POST approved classes from the 600 hour curriculum, nor were the classes instructed by POST approved instructors. For training to count as part of the Class A 600 hour certification, the classes have to come from the POST approved 600 hour curriculum and the lesson plans be approved and "sealed" by POST before the classes are taught.

All classes taught have to be taught by POST approved instructors. Approximately half of the classes taught to CVO's are required to meet federal standards for commercial vehicle enforcement officers, not a certified police officer. Examples: The North American Standards Part A and Part B (80 hours), Basic Hazardous Materials (40 hours), Cargo Tank (40 hours) are not POST approved courses and are not part of the 600 hour curriculum. Many of the other classes taught to the CVO's are from an abbreviated POST approved lesson but do not contain the required number of hours and objectives for that class to count towards the POST requirement.

ASSUMPTION (continued)

Sections 306.114, 306.117, 577.020, 577.026, 577.037 and 577.208;

Officials from the **Department of Transportation (MoDOT)** assume there will be no fiscal impact to MoDOT. MoDOT assumes that all cost to administer the program will be paid from the General Revenue Fund. We concur with Dept. Health on the fiscal impact to General Revenue.

Officials from the **Department of Health and Senior Services (DOHSS)** assume a savings of \$108,748 General Revenue and \$3,500 from the DHSS Document Services Fund with the program transferred to MoDOT. We are assuming that MoDOT will be showing this transfer as a cost in their response to this fiscal note, resulting in an overall zero impact on revenues and expenditures.

Personal Service

\$37,896 - 1 Sr. Public Health Lab Scientists (GR)
\$24,684 - 1 Sr. Office Support Assistant, Keyboarding (GR)
\$62,580 - Total PS (GR)

Fringe Benefits

$\$62,580 \times 45.26\% = \$28,323.71$

Expense and Equipment

\$4,000 Travel (GR)
\$7,744 Supplies (\$4,244 GR, \$3,500 Document Services)
\$7,000 Maintenance and Repair (GR)
\$2,600 Professional Development (GR)
\$21,344 Total E&E (\$17,844 GR, \$3,500 Document Services)

Oversight will assume the savings realized by DOHSS will be a cost realized by MoDOT since the program is being transferred from one agency to another.

Sections 488.028, RSMo and 590.083, RSMo;

Officials from the **Office of the State Courts Administrator (CTS)** state these sections create the law enforcement safety fund. The proposed legislation would impose a \$7.00 surcharge in all criminal cases, including municipal and ordinance violations. While there are still problems

ASSUMPTION (continued)

interpreting the intent of these provisions, we are providing a response based on what we think the intent is.

Our calculation takes into account the fact that felony collection rates are only between 50% and 60%, and misdemeanor collection rates average 80%. This surcharge is assessed on misdemeanor and felony cases. Since these defendants often do not have steady employment or cash reserves, the court often gives the defendants the period of probation to pay the costs and fines. Therefore, the revenue generated the first year is less than that generated in subsequent years. We have included the chart we have used to predict revenue from this cost; you will note that the felony collection rate increases over a period of four years, which we believe to be the average probation served for felonies. The collection rate for misdemeanors increases over two years, the average probation time for misdemeanants.

Exclude Fine Collection Center

Based on a 50% felony collection rate, our calculations indicate that the legislation will produce \$1,371,689 in the 1st 12 months, \$1,669,394 in the 2nd 12 months, \$1,698,749 in the 3rd 12 months, and \$1,728,105 annually thereafter. Based on a 60% felony collection rate, our calculations indicate that the legislation will produce \$1,377,560 in the 1st 12 months, \$1,681,136 in the 2nd 12 months, \$1,716,363 in the 3rd 12 months, and \$1,751,589 annually thereafter.

Include Fine Collection Center

Based on a 50% felony collection rate, our calculations indicate that the legislation will produce \$2,161,359 in the 1st 12 months, \$2,459,064 in the 2nd 12 months, \$2,488,419 in the 3rd 12 months, and \$2,517,775 annually thereafter. Based on a 60% felony collection rate, our calculations indicate that the legislation will produce \$2,167,230 in the 1st 12 months, \$2,470,806 in the 2nd 12 months, \$2,506,033 in the 3rd 12 months, and \$2,541,259 annually thereafter.

Oversight will range the fiscal impact of Sections 488.028 and 590.803 from the low estimate provided by CTS (50% collection rate and excluding fine collection center) to CTS's higher estimate (60% collection rate and including fine collection center).

Officials from the **County Employee's Retirement Fund** and **MoLAGERS** assumes the proposal would not fiscally impact their agency.

ASSUMPTION (continued)

Officials from the **Joint Committee on Public Employee Retirement** state the legislation would provide benefits in addition to those provided by the Local Government Employee's Retirement System (LAGERS). It is estimated that this proposal will provide benefits to approximately 8,000 police officers and sheriff's deputies statewide. The proposal not create a 'substantial proposed change' in future plan benefits as defined in Section 105.660(5). Therefore, an actuarial cost statement is not required.

Section 650.340;

In response to a similar proposal from this year (HB 634), officials from the **St. Joseph Police Department** stated the proposed changes will cause the need to pay for training that may include registration, transportation, lodging and salaries.

In response to a similar proposal from this year (HB 634), officials from the **Jefferson City Police Department** stated that because their department already exceeds these training standards, there would be no impact.

Section 595.209;

Officials from the **Department of Transportation (MoDOT)** state subsection 595.209.1(14) prohibits employers from requiring any witness, victim or member of a victim's immediate family to use vacation time or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a proceeding or participating in the preparation of a proceeding for certain crimes. This section could have a negative fiscal impact on MHTC/MoDOT in cases where employees are absent from work for an extended period of time due a criminal proceeding. The amount of any such negative impact is uncertain and would vary on a case-by-case basis.

Section 650.470;

This section creates the 'Reverend Nathaniel Cole Memorial Pursuit Reduction Grant'. Officials from the **Office of the State Treasurer (STO)** state their agency only ensures the disbursements are made from a lawful appropriation and don't exceed the amount of the appropriation. The STO suggest the following wording change: "The state treasurer shall be custodian of the fund. In accordance with Sections 30.170 and 30.180 RSMo, the state treasurer may approve disbursements"

ASSUMPTION (continued)

If the wording isn't changed, the STO will need an FTE (Accounting Specialist I - \$39,324 plus \$17,762 fringe = \$57,086) to monitor these disbursements. (This will be allocated proportionately as a retention of interest earnings on state funds in accordance with Section 30.605 RSMo)

Officials from the **Office of the State Courts Administrator (CTS)** state there are a number of new crimes created, and some changes in criminal procedures, but CTS would not anticipate a fiscal impact in excess of \$100,000. There would be an increase in the amount of moneys collected, but we have no way of quantifying that increase at this time.

Officials from the **Office of Administration - Division of Purchasing and Materials Management, Office of Prosecution Services** as well as the **Office of the State Public Defender** did not respond to our request for fiscal impact.

Oversight will assume the Office of Prosecution Services and the Office of the State Public Defender will incur some additional costs as a result of this proposal. Oversight will assume an unknown amount of expense from the General Revenue fund for these two agencies.

Officials from the **Kansas City Police Department, Independence Police Department, Buchanan County Sheriff's Office, St. Louis Metropolitan Police Department** and the **St. Louis Police Retirement System** did not respond to our request for fiscal impact.

This proposal could increase Total State Revenues.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
GENERAL REVENUE			
<u>Savings</u> - Reduced appropriation to the State School Moneys Fund - reduction in next year from increase in fine revenue to local school districts (various sections)	\$0	Unknown	Unknown

Savings - Department of Health and Senior Services (Sections 306.114, 306.117, 577.020, 577.026, 577.037 & 577.208)

Personal Services	\$61,775	\$63,629	\$65,537
Fringe Benefits	\$27,959	\$28,798	\$29,662
Expense and Equipment	<u>\$17,844</u>	<u>\$18,379</u>	<u>\$18,930</u>
<u>Total Savings</u> - DOHSS	\$107,578	\$110,806	\$114,129
FTE Change - DOHSS	-2 FTE	-2 FTE	-2 FTE

Costs - MoDOT (Sections 306.114, 306.117, 577.020, 577.026, 577.037 & 577.208)

Personal Service	(\$61,775)	(\$63,629)	(\$65,537)
Fringe Benefits	(\$27,959)	(\$28,798)	(\$29,662)
Expense and Equipment	<u>(\$17,844)</u>	<u>(\$18,379)</u>	<u>(\$18,930)</u>
<u>Total Costs</u> - MoDOT	(\$107,578)	(\$110,806)	(\$114,129)
FTE Change MoDOT	2 FTE	2 FTE	2 FTE

Costs - Department of Corrections

Probation or Incarceration from the various crimes created or changed within the proposal	(Unknown - over \$100,000)	(Unknown - over \$100,000)	(Unknown - over \$100,000)
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Costs - Office of the State Courts

New crimes and changes in criminal procedures	(Under \$100,000)	(Under \$100,000)	(Under \$100,000)
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Costs - Office of the State Public Defender (various sections)

	(Unknown)	(Unknown)	(Unknown)
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Costs - Office of Prosecution Services (various sections)

	(Unknown)	(Unknown)	(Unknown)
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Costs - DPS (Section 57.265)

Personal Service	(\$35,072)	(\$43,348)	(\$44,649)
Fringe Benefits	(\$15,874)	(\$19,619)	(\$20,208)
Expense and Equipment	<u>(\$5,116)</u>	<u>(\$345)</u>	<u>(\$355)</u>
<u>Total Costs</u> - DPS	(\$56,062)	(\$63,312)	(\$65,212)
FTE Change - DPS	1 FTE	1 FTE	1 FTE

Costs - Department of Health and Senior
 Services (Sections 195.378 - 195.399)

Personal Service	(\$50,316)	(\$62,190)	(\$64,056)
Fringe Benefits	(\$22,773)	(\$28,147)	(\$28,992)
Expense and Equipment	(\$26,029)	(\$19,929)	(\$20,528)
Program Costs	<u>(\$708,000)</u>	<u>(\$239,200)</u>	<u>(\$239,200)</u>
<u>Total Costs</u> - DOHSS	<u>(\$807,118)</u>	<u>(\$349,466)</u>	<u>(\$352,776)</u>
FTE Change - DOHSS	2 FTE	2 FTE	2 FTE

Costs - Office of the State Treasurer
 (STO) (Section 650.470)

Personal Service	(\$33,753)	(\$41,719)	(\$42,970)
Fringe Benefits	(\$15,277)	(\$18,882)	(\$19,448)
Expense and Equipment	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs</u> - STO	<u>(\$49,030)</u>	<u>(\$60,601)</u>	<u>(\$62,418)</u>
FTE Change - STO	1 FTE	1 FTE	1 FTE

Transfer Out to the Reverend Nathaniel
 Cole Memorial Pursuit Reduction Grant
 Fund (Section 650.470)

(Unknown)	(Unknown)	(Unknown)
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Transfer Out - to Public Safety
 Enhancement Fund (Section 57.265)

<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT TO THE
 GENERAL REVENUE FUND**

(Unknown - exceeding <u>\$1,012,210</u>)	(Unknown - exceeding <u>\$573,379</u>)	(Unknown - exceeding <u>\$580,406</u>)
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HIGHWAY FUNDS

Costs - Department of Transportation

Overtime to cover for absences	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
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Costs - Highway Patrol (Section 304.230)

Training for vehicle enforcement officers to meet new 600 hour standard	<u>(\$288,750)</u>	<u>(\$148,500)</u>	<u>(\$144,375)</u>
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**ESTIMATED NET EFFECT TO
 HIGHWAY FUNDS**

(Less than <u>\$388,750</u>)	(Less than <u>\$248,500</u>)	(Less than <u>\$244,375</u>)
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**LAW ENFORCEMENT SAFETY
 FUND**

Revenue - Sections 488.028 & 590.803)

From \$7 surcharge for each criminal case involving violations of criminal or traffic laws of the state	\$1,371,689 to <u>\$2,167,806</u>	\$1,669,749 to <u>\$2,506,033</u>	\$1,728,105 to <u>\$2,541,259</u>
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ESTIMATED NET EFFECT TO THE LAW ENFORCEMENT SAFETY FUND	\$1,371,689 to <u>\$2,167,806</u>	\$1,669,749 to <u>\$2,506,033</u>	\$1,728,105 to <u>\$2,541,259</u>
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STATE SCHOOL MONEYS FUND

<u>Savings</u> - reduced distributions to school districts as a result of the increased fine revenue	\$0	Unknown	Unknown
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<u>Losses</u> - Reduced appropriations from General Revenue Fund	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO THE STATE SCHOOL MONEYS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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**PUBLIC SAFETY ENHANCEMENT
 FUND**

<u>Transfer In</u> - From General Revenue (Section 57.265)	Unknown	Unknown	Unknown
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<u>Costs</u> - Reimbursements to Counties for Law Enforcement Activities (57.265)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO THE PUBLIC SAFETY ENHANCEMENT FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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**REVEREND NATHANIEL COLE
MEMORIAL PURSUIT REDUCTION
GRANT**

<u>Transfer In</u> - from General Revenue Appropriation	Unknown	Unknown	Unknown
<u>Costs</u> - grants to urban police departments that have pursuit policy in place	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO THE REVEREND NATHANIEL COLE MEMORIAL PURSUIT REDUCTION GRANT	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**DEPARTMENT OF HEALTH AND
SENIOR SERVICES DOCUMENT
SERVICES FUND**

<u>Savings</u> - DOHSS (Sections 306.114, 306.117, 577.020, 577.026, 577.037 & 577.208)	<u>\$3,605</u>	<u>\$3,713</u>	<u>\$3,824</u>
ESTIMATED NET EFFECT TO THE DEPARTMENT OF HEALTH AND SENIOR SERVICES FUND	<u>\$3,605</u>	<u>\$3,713</u>	<u>\$3,824</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
CERTAIN COUNTIES' GENERAL REVENUE FUND			
<u>Transfer In</u> - from State Public Safety Enhancement Fund	Unknown	Unknown	Unknown
<u>Costs</u> - County Law Enforcement Activities	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO CERTAIN COUNTIES' GENERAL REVENUE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**COUNTY LAW ENFORCEMENT
 RESTITUTION FUND**

<u>Income</u> - Courts may order the assessment and payment for moving violations (Section 50.565)	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT TO THE COUNTY LAW ENFORCEMENT RESTITUTION FUND	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

CITY OF ST. LOUIS

Costs - to St. Louis Police Department overtime compensation (Section 84.160)	<u>(\$500,000)</u>	<u>(\$500,000)</u>	<u>(\$500,000)</u>
ESTIMATED NET EFFECT TO CITY OF ST. LOUIS	<u>(\$500,000)</u>	<u>(\$500,000)</u>	<u>(\$500,000)</u>

LOCAL LAW ENFORCEMENT

Costs - for hospitalization and guarding resulting from Section 221.040	(Unknown)	(Unknown)	(Unknown)
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<u>Costs</u> - to reach training requirements for telecommunicator (Section 650.340)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
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ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
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LOCAL SCHOOL DISTRICTS

<u>Revenue</u> - income from increase in fines (various sections)	Unknown	Unknown	Unknown
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<u>Losses</u> - reduced distributions from State School Moneys Fund	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO LOCAL SCHOOL DISTRICTS	<u>Unknown</u>	<u>(Unknown) to Unknown</u>	<u>(Unknown) to Unknown</u>
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FISCAL IMPACT - Small Business

Licensed pharmacies and dispensing practitioners may incur an indeterminate fiscal impact for purchasing electronic equipment, software and related man-hours required in entering and transmitting data to the DHSS. Any cost incurred may be offset somewhat by the benefits provided by being able to access controlled substance prescription data from the program. Efforts will be made to minimize this impact through the vendor contract.

FISCAL DESCRIPTION

This substitute changes the laws regarding crime prevention. In its main provisions, the substitute:

- (1) Adds any moving violation, as defined by Section 302.010, RSMo, to the list of infractions for which a court may order payment to the county law enforcement restitution fund;
- (2) Creates the Public Safety Enhancement Fund, administered by the Department of Public Safety, which will consist of moneys transferred from the General Revenue Fund to distribute grants to counties for the purpose of supplementing the expenses of law enforcement activities of county sheriffs' departments. The fund will terminate on June 11, 2011, and any moneys remaining will revert to the General Revenue Fund;
- (3) Authorizes additional compensation or compensatory time off for overtime, court time, and standby court time in excess of 40 hours for sergeants of the police department of the City of St. Louis. Currently, additional compensation and time off are authorized only for patrol officers and probationary patrol officers;
- (4) Expands protection for the elderly against financial exploitation;
- (5) Adds Zopiclone, its salts, isomers, and salts of isomers to the list of Schedule IV controlled substances and Pregabalin to the list of Schedule V controlled substances;
- (6) Requires the Department of Health and Senior Services to develop a program, subject to appropriation, to monitor the prescribing and dispensing of all Schedule II through Schedule V controlled substances by all licensed professionals who prescribe or dispense these substances in Missouri. The dispenser is required to electronically submit to the department information for each prescription and specifies the frequency of the submissions. The department is allowed to issue a waiver to a dispenser who is unable to submit the required information electronically. If a waiver is obtained, a dispenser can submit the required information in paper format or by other approved means. All submitted prescription information is to be confidential. Exceptions to this requirement include violations of the law or breaches of professional standards which result in an investigation and the submission or the release of prescription information to authorized persons. The release of non-personal, general information for statistical, educational, and research purposes;
- (7) Authorizes the department to contract with other state agencies or private vendors to implement the provisions of the Prescription Monitoring Act;

FISCAL DESCRIPTION (continued)

- (8) Requires the department to develop an educational course about the Prescription Monitoring Act and, when appropriate, to work with associations for impaired professionals to ensure the intervention, treatment, and ongoing monitoring of patients who have been identified as being addicted to substances monitored by the Prescription Monitoring Act;
- (9) Specifies that the Amber Alert System is to aid in the location of abducted children rather than adults and defines "abducted child" as an individual whose whereabouts are unknown, is younger than 18 years of age, and is reasonably believed to be a victim of kidnapping or younger than 18 years of age and at least 14 years of age and who would be reasonably believed to be a victim of child kidnapping if the person was younger than 14 years of age;
- (10) Requires a photograph to be taken of an incarcerated individual upon release and made available to the victim upon his or her request;
- (11) Allows offenders to appear before the Board of Probation and Parole by means of a video conference, rather than personal appearance, at the discretion of the board;
- (12) Specifies that sheriffs and jailers are not required to take custody of a prisoner from an arresting officer until that prisoner has been examined by a physician or medical personnel if he or she appears to be unconscious, suffering from a serious illness or injury, or is seriously impaired by drugs or alcohol. The prisoner will be responsible for the cost of the examination;
- (13) Allows paid police officers of a paid police department to be eligible for workers' compensation benefits for an injury due to psychological stress;
- (14) Increases the length of a driver's license suspension for failing to stop for a school bus from 90 to 120 days for the first offense and from 120 to 180 days for a second or subsequent offense;
- (15) Requires commercial vehicle enforcement officers to meet the mandatory standards for basic training and licensure of peace officers. Officers who are employed and performing their duties on August 28, 2007, will have until July 1, 2011, to comply with the mandatory standards;
- (16) Specifies that a person commits the crimes of negligent operation of a vessel, operating a vessel while intoxicated, involuntary manslaughter with a vessel, assault with a vessel in the second degree, and operating a vessel with excessive blood-alcohol content on any waters of this state. Currently, those crimes can only be committed on the Mississippi River, Missouri River, or any lake in this state. A person convicted of a second violation of the crime of operating a vessel with excessive blood-alcohol content within 10 years of a first offense will be guilty of a

FISCAL DESCRIPTION (continued)

class A misdemeanor and placed on probation for a period of two years. A person convicted of a third violation of the crime of operating a vessel with excessive blood-alcohol content within 20 years of two prior offenses will be guilty of a class D felony and placed on probation for a period of three years. The individual will be prohibited from operating a vessel for a period of five years from the date of the third conviction. The substitute lowers the weight of alcohol necessary in a person's blood in order for there to be a presumption that the person is intoxicated from .1 of 1% to .08 of 1%. "Prior offender" is defined as any person who has pled guilty to or been found guilty of one intoxication-related boating offense within five years of the intoxication-related boating offense for which the person is charged. A person proved to be a prior offender will be guilty of a class A misdemeanor and will not be eligible for probation or parole until he or she has served a minimum of five days' imprisonment. "Persistent offender" is defined as a person who has pled guilty to or been found guilty of two or more intoxication-related boating offenses, involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances operates a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be a persistent offender will be guilty of a class D felony and will not be eligible for probation or parole until he or she has served a minimum of 10 days' imprisonment. "Aggravated offender" is defined as a person who has pled guilty to or been found guilty of three intoxication-related boating offenses or has pled guilty to or been found guilty of one of more intoxication-related boating offense and any of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances operates a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be an aggravated offender will be guilty of a class C felony and will not be eligible for probation or parole until he or she has served a minimum of 60 days' imprisonment. "Chronic offender" is defined as a person who has pled guilty to or been found guilty of four or more intoxication-related offenses; has pled guilty to or been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances; or has pled guilty to or been found guilty of two or more intoxication-related offenses and any of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances operates a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be a chronic offender will be guilty of a class B felony and will not be eligible for probation or parole until he or she has served a minimum of two years' imprisonment. No prior, persistent, aggravated, or chronic offender will be given an imposition of sentence;

FISCAL DESCRIPTION (continued)

(17) Specifies that any person convicted of criminal securities fraud will be fined an amount not to exceed \$1 million, be sentenced to a term of imprisonment not to exceed 10 years, or both. If the violation was committed against a disabled or elderly person, the offender will be fined an amount not to exceed \$50,000, be sentenced to a term of imprisonment not to exceed five years, or both;

(18) Allows a judge to order the defendant in a municipal or circuit criminal case to pay costs as determined in Section 488.012, RSMo;

(19) Allows a judge to order a probationer, as a condition of probation, to be vaccinated for Hepatitis A and B at his or her local health department with the costs to be paid by the probationer;

(20) Removes the provision of law which allows a judgment to be entered against the prosecutor for the trial costs if the defendant is acquitted of the prosecution of the case is dismissed;

(21) Specifies that any person who unlawfully distributes or delivers any controlled substance to any person and that person's injection, inhalation, or ingestion of the controlled substance causes that person's death will be guilty of involuntary manslaughter;

(22) Revises the definitions of "domestic assault offense" and "intoxication-related offense" to include any offense committed in another state or any federal or military offense which, if committed in Missouri, would be considered a domestic assault offense or an intoxication-related offense;

(23) Expands the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer in the first, second, or third degree to include corrections officers;

(24) Establishes "Ashley's Law" which creates the crime of transporting a child without parental consent when a person transports a child younger than 17 years of age out of the state, without the written consent of the child's parent or legal guardian, for the purpose of committing a crime with the child as the victim or a participant of that crime. The crime will be a class C felony;

(25) Prohibits certain sexual offenders from being physically present or loitering within 500 feet of or approaching, contacting, or communicating with any child younger than 18 years of age in any child care facility building or the real property comprising any child care facility when children younger than 18 years of age are present in the building unless the person is the parent, guardian, or custodian of a child in the building or on the grounds. Any person who violates the

FISCAL DESCRIPTION (continued)

provisions of the substitute will be guilty of a class A misdemeanor;

(26) Expands the crime of enticement of a child to include victims who are younger than 17 years of age or any individual the person believes is younger than 17 years of age;

(27) Creates the crime of leaving a child unattended in a motor vehicle in the third degree. The offense is committed when a child 10 years of age or younger is left unattended in a motor vehicle and the child's health or safety is at risk, the engine is running, or the keys are anywhere in the passenger compartment of the vehicle. The offense will be a class C misdemeanor;

(28) Changes the term "stealing-related offense" to include robbery and clarifies that a person who has pled guilty to or been found guilty of two separate stealing offenses, which were committed on two separate occasions, will be guilty of a class B felony;

(29) Increases the penalty for the crime of possessing child pornography from a class C felony to a class B felony;

(30) Creates the crime of false identification if a prisoner or offender knowingly and with the purpose to mislead gives a false name, date of birth, or Social Security number when identifying himself or herself to a person who is an employee of a jail or correctional center. False identification will be a class C felony;

(31) Increases the penalty for the crime of making a false report from a class B misdemeanor to a class A misdemeanor;

(32) Creates the crime of disarming a peace or correctional officer if a person intentionally removes from or deprives the peace or correctional officer of the use of his or her firearm or other deadly weapon while the officer is acting within the scope of his or her official duties. The crime, a class C felony, does not include situations in which the person does not know or could not reasonably have known that the person was a peace or correctional officer or if the officer was engaged in felonious conduct at the time of the disarmament;

(33) Expands the crime of tampering with a judicial proceeding to include a person whose purpose is to influence the official actions of a state prosecuting or circuit attorney;

(34) Increases the penalty for the crime of assault on a police animal from a class C to a class A misdemeanor;

FISCAL DESCRIPTION (continued)

(35) Transfers all powers, duties, and functions of administering the testing of blood-alcohol content from the Department of Health and Senior Services to the Department of Transportation;

(36) Prohibits the use or possession of an alcohol beverage vaporizer. Any substance that has been approved by the federal Food and Drug Administration as an over-the-counter or therapeutic drug product administered by an authorized medical practitioner is exempt;

(37) Requires the Peace Officer Standards Training (POST) Commission to make instruction available to peace officers on the investigation of crimes involving the use of a computer, the Internet, or both;

(38) Requires peace officers who make traffic stops to receive three hours of training within the law enforcement continuing education three-year reporting period. All continuing education requirements will be waived for any peace officer who is activated for military duty;

(39) Expands the number of members on the Peace Officers Standards and Training Commission from nine to 11 by including two members that are peace officers at or below the rank of sergeant employed by a political subdivision. No more than two members of the commission can reside in the same congressional district or be employees of the same law enforcement agency;

(40) Allows the Director of the Department of Public Safety to establish rules to implement the POST Program;

(41) Creates the Law Enforcement Safety Fund and authorizes a \$7 surcharge to be collected in each criminal case involving a violation of any county ordinance, criminal or traffic law, or municipal ordinance. A seven-member board will administer the fund to be composed of two chiefs of police who are members of the Missouri Police Chiefs' Association, two full-time police officers or deputy sheriffs, one sheriff, one member of the General Assembly from the Joint Committee on Public Employee Retirement, and one at-large member. The initial appointments will be made by the Governor with future members selected as specified in the substitute. The fund will be administered as a defined contribution system allowing any member of the system to receive the funds he or she contributes plus the interest or dividends earned less any maintenance fees. Eligibility for membership to the system is limited to full-time Missouri law enforcement employees except sheriffs from St. Louis City. Members with the required years of service will also be eligible to receive funds accumulated through the collection of surcharges. No member will be able to receive benefits from the system prior to reaching 55 years of age, and any benefits received from the system will not affect an officer's eligibility

FISCAL DESCRIPTION (continued)

for any other retirement benefit plan;

(42) Requires crime victims to be paid up to \$250 from the Crime Victims' Compensation Fund to replace clothing, bedding, or other personal items seized by law enforcement as evidence of a crime;

(43) Allows victims to be represented by an appointed person instead of appearing in person during the offender's parole and probation revocation hearings. The victim's appointee who honors any subpoena to testify in or attend a criminal proceeding is protected from discharge by any employer or from using vacation, personal, or sick leave to attend any criminal proceeding;

(44) Allows records and documents pertaining to internal investigations by a law enforcement agency on the fitness and conduct of a law enforcement officer employed by the agency used solely in connection with matters relating to the employment of the officer to remain confidential unless the records and documents are used in a criminal investigation;

(45) Allows the department to establish rules recommending procedures for issuing missing/endangered person advisories;

(46) Revises the continued educational training requirements of 911 telecommunicators from 16 hours in a two-year period to 24 hours every three years;

(47) Specifies that the members of the Missouri Medal of Valor Board will be appointed by the Governor from a list submitted by the department director; and

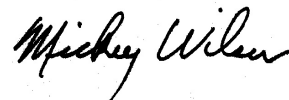
(48) Creates the Reverend Nathaniel Cole Memorial Pursuit Reduction Grant in the state treasury to be administered by the department director. Any money appropriated or donated to the fund will be used to provide grants, in the amount of a 50% match, to urban police departments who purchase real-time tagging and tracking pursuit management systems.

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 the State Courts Administrator
Department of Corrections
Department of Health and Senior Services
Office of the Secretary of State
Department of Revenue
Department of Elementary and Secondary Education
Department of Transportation
Office of the State Treasurer
Department of Conservation
Department of Labor and Industrial Relations
Local Area Government Employees Retirement System
Joint Committee on Public Retirement
County Employees Retirement
Springfield Police Department
St. Joseph Police Department
St. Louis Metropolitan Police Department
St. Louis Police Retirement System
Jefferson City Police Department

NOT RESPONDING: Office of Administration - Division of Purchasing and Materials Management, Office of Prosecution Services, Office of the State Public Defender, Kansas City Police Department, Independence Police Department and Buchanan County Sheriff's Office



Mickey Wilson, CPA
Director
April 9, 2007