

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0998-06
Bill No.: HCS #2 for HBs 406 & 726
Subject: Crimes and Punishment; Boats and Watercraft; Transportation
Type: Original
Date: April 19, 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 \$1,131,319)	(Unknown - exceeding \$678,453)	(Unknown - exceeding \$688,787)
Total Estimated Net Effect on General Revenue Fund	(Unknown - exceeding \$1,131,319)	(Unknown - exceeding \$678,453)	(Unknown - exceeding \$688,787)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Criminal Records	\$2,868,333	\$3,442,000	\$3,787,500
State School Moneys	\$0	\$0	\$0
Reverend Nathaniel Cole Memorial Pursuit Reduction	\$0	\$0	\$0
Various other funds	\$0 to (\$36,720)	\$0 to (\$36,720)	\$0 to (\$36,720)
Department of Health and Senior Services Document Services	\$3,605	\$3,713	\$3,824
Total Estimated Net Effect on <u>Other</u> State Funds	\$2,871,938 to \$2,835,218	\$3,445,713 to \$3,408,993	\$3,791,324 to \$3,754,604

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 34 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, 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.

ASSUMPTION (continued)

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.

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 - Administrative Rules (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.

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.

ASSUMPTION (continued)

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.

Sections 43.530, 43.546 & 43.547:

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposed legislation would modify the fees and requirements for receipt of a criminal history record information from the Missouri State Highway Patrol. Based on the average number of record checks in the last two years, the increase of \$1 per name check starting in 2010 will increase the yearly income into the Criminal Records Fund by an additional \$691,000 each year until the \$15 maximum is reached in 2015.

Regarding Section 43.546 RSMo

The Criminal Records and Identification Division of the Missouri State Highway Patrol estimate that there are approximately 60,000 state employees with an approximate turnover rate of 17% per year. $60,000 \times 17\% = 10,200$ employees.

It is estimated that 15% or less, of those 10,200 employees would be in occupations that would require fingerprint checks. $10,200 \times 15\% = 1,530$ employees.

ASSUMPTION (continued)

State processing fingerprint fees are \$14 (waived for state employees)
The FBI processing fingerprint fees are \$24, however \$2 is retained in the Criminal Records Fund as administrative fee.

1,530 employees x \$22 = \$33,660 (passed - through to the FBI)
1,530 employees x \$2 = \$3,060 (retained in the Criminal Records System Fund as administrative fee).

Regarding Section 43.530 RSMo

The average number of name checks for the prior two fiscal years is 691,000
The average number of fingerprint checks for the prior two fiscal years is 113,000

FY 08

Fiscal year fees under the old fee schedule would be:

Name 691,000 x \$5 = \$3,455,000

Fingerprint 113,000 x \$14 = \$1,582,000

Total = \$5,037,000

Fiscal year fees with the proposed increase would be:

Name 691,000 x \$9 = \$6,219,000

Fingerprint 113,000 x \$20 = \$2,260,000

Total = \$8,479,000

The FY 08 increase would be \$3,442,000 (\$8,479,000 - \$5,037,000)

\$3,442,000 divided by 12 mths x 10 mths = \$2,868,333

FY 09

The calculated fiscal year fees with the proposed increase would be:

Name 691,000 x \$9 = \$6,219,000

Fingerprint 113,000 x \$20 = \$2,260,000

Total = \$8,479,000

The FY 09 increase would be \$3,442,000 (\$8,479,000 - \$5,037,000)

FY 10

Name 691,000 x \$9.50 = \$6,564,500

Fingerprint 113,000 x \$20 = \$2,260,000

Total = \$8,824,500

The FY 10 increase would be \$3,787,500 (\$8,824,500 - \$5,037,000)

RS:LR:OD (12/02)

ASSUMPTION (continued)

Because the rate will increase from \$9 to \$10 on 1/1/10, the fee for half the fiscal year will be at \$9 and the other half at \$10. We assume that the checks will be spread evenly throughout the year, so we are using \$9.50 as an average for the year.

Regarding Section 43.547 RSMo

The Highway Patrol assumes no more than 50 gubernatorial appointees during an election year and less during off years.

State processing fingerprint fees are \$14 (waived at the current time for state employees). FBI processing fingerprint fees are \$24 (pass-through fees to the FBI).

50 appointees x \$24 = \$1,200 (pass-through fees to the FBI , i.e., not retained in the Criminal Records System fund). Because this amount is so small, this section of the proposed legislation is being treated as "no impact".

Regarding Section 43.115;

The MHP assumes an unknown to under \$100,000 fiscal impact on this proposed legislation. The MHP does not currently track, nor do we have a way to track how many retired employees perform as witnesses in official court proceedings. The MHP assumes the new appropriation will be General Revenue funds.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the following fiscal impact from this part of the proposal:

	<u>CY 2006</u>			<u>FY 2008</u>
Background Checks	60,258	x	\$4	\$241,032
Fingerprint Checks	<u>47,273</u>	x	\$1	<u>\$ 47,273</u>
Total	107,531			\$288,305

ASSUMPTION (continued)

Assuming the level of background checks and fingerprint searches remains level, and assuming the fee increases by \$1 per annum as allowed in the proposal, the fiscal impact may be computed as follows:

FY 2008		Increase		FY 2009		Increase		FY 2010
\$241,032	+	\$60,258	=	\$301,290	+	\$60,258	=	\$361,548
<u>\$ 47,273</u>	+	<u>\$ 0</u>	=	<u>\$ 47,273</u>	+	<u>\$ 0</u>	=	<u>\$ 47,273</u>
\$288,305		\$60,258		\$348,563		\$60,258		\$408,821

In summary, DESE assumes an increase in cost to local school districts of \$288,305 in FY 2008, \$348,563 in FY 2009 and \$408,821 in FY 2010.

In response to a similar proposal from this year (SB 531), officials from the **Missouri Lottery** reported fiscal impact (over current base costs for name checks and fingerprint checks) on the Lottery Enterprise Fund of \$37,908 in FY 2008, \$47,100 in FY 2009 and \$56,520 in FY 2010.

In response to a similar proposal from this year (SB 531), officials from the **Missouri Gaming Commission** stated that, assuming a \$1 increase in state criminal history checks in each year and an increase in the fingerprint search from \$14 to \$15 would result in additional costs of \$306,720 in FY 2008, \$406,200 in FY 2009 and \$461,670 in FY 2010.

In response to a similar proposal from this year (SB 531), officials from the **Department of Social Services - Youth Services** estimated that at least 500 background checks will be required to fill vacancies. The division assumes an average of 25% due to job offers declined, disqualifying findings, and need to conduct multiple checks prior to making an offer.

Based on the provision that fingerprinting would be \$20 per applicant, the division assumed the cost of fingerprint checks for its new hires to be between \$8,330 and \$10,000 during the first three years.

In response to a similar proposal from this year (SB 531), officials from the **Department of Social Services - Human Resources** stated the language appears to make conducting fingerprint background checks an option, rather than mandatory. It also appears that we could require the applicant/employee to pay the cost for the check. For those reasons, a fiscal impact could not be determined at this time.

ASSUMPTION (continued)

In response to a similar proposal from this year (SB 531), officials from the **Department of Social Services - Children's Division (CD)** stated they now pay for fingerprints for 9,000 caregivers and applicants. This bill would increase the Division's cost by \$6 for each individual; therefore, it would result in additional fiscal impact of \$54,000.

Oversight assumes this version of the proposal keeps the fee on background checks on foster families at \$14, therefore, CD will not incur the increase in fees.

This legislation may result in a cost to the CD if fingerprint checks are implemented on all new Children's Service Workers and Children's Service Supervisors. In FY2006, the Division had 345 Children's Service Workers leave and 25 Children's Service Supervisors leave. Based on this information, the CD estimates that it would have to fingerprint 367 employees per year. Currently, the Highway Patrol charges \$14 for state only checks. The Highway Patrol waives the \$14 for state agencies. If the fee is no longer waived and the fee increase in this bill is passed on to the Division, the Division would be charged \$20 for each newly hired employee. This would result in a cost of \$7,340 per year (367 x \$20). The CD assumes this new cost would be split between the General Revenue Fund and Federal Funds.

Total cost calculation:

Division employees =	\$7,340 (optional)
Foster/Kin/Relative providers and applicants =	<u>\$54,000</u>
Total	= \$61,340
Total Fiscal Impact	= \$54,000 to \$61,340

In response to a similar proposal from this year (SB 531), officials from the **Office of the Attorney General** assumed that any potential costs arising from this proposal can be absorbed with existing resources.

In response to a similar proposal from this year (SB 531), officials from the **Department of Corrections, Department of Insurance, Financial Institutions and Professional Registration, Missouri Ethics Commission, Office of Administration - Administrative Hearing Commission, Department of Health and Senior Services, Department of Natural Resources, Department of Agriculture, Department of Mental Health, Department of**

ASSUMPTION (continued)

Revenue, Office of the State Treasurer, Department of Higher Education, Joint Committee on Public Employee Retirement, Office of the State Auditor, Department of Economic Development, Office of the Lieutenant Governor, Department of Labor and Industrial Relations, Department of Conservation, Office of the State Courts Administrator, Office of Prosecution Services, Missouri Consolidated Health Care Plan, State Tax Commission, Missouri Senate, Department of Public Safety - Fire Safety and the Water Patrol, Office of Administration - Division of Personnel, Department of Transportation, Office of Prosecution Services, Missouri House of Representatives, Department of Public Safety - Director's Office and Veterans' Commission and the Office of the State Public Defender each assumed the proposal would either not fiscally impact their respective agencies or impact their agencies by a minimal amount that could be absorbed within existing resources.

Oversight assumes the provisions allowing state agencies to require fingerprinting of applicants and criminal history records checks are permissive. Therefore, Oversight has ranged the cost from \$0 to \$36,720 per fiscal year to various state funds.

Oversight assumes the MHP will continue to waive the name background check fees to state agencies.

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.

Officials from 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.

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 174.700 - 174.712, 544.157;

In response to a similar proposal from this year (HB 687), officials at the **Missouri Department of Transportation, Department of Higher Education, Department of Public Safety and the Missouri Highway Patrol** assumed that there is no fiscal impact from this proposal.

ASSUMPTION (continued)

In response to a similar proposal from this year (HB 687), officials at the **University of Central Missouri, Missouri State University, Lincoln University, University of Missouri, Linn State Technical College** and the **Metropolitan Community College** assumed that there is no fiscal impact from this proposal.

Officials from the **Department of Higher Education** did not respond to our request for fiscal impact.

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;

In response to a previous version of this proposal, officials from the **Springfield Police Department** stated 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;

In response to a previous version of this proposal, officials from the **Department of Labor and Industrial Relations (DOLIR)** stated 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.

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.

ASSUMPTION (continued)

In response to a previous version of this proposal, officials from the **Department of Health and Senior Services (DOHSS)** assumed 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 x 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.

Section 577.016;

Officials from the **Office of the State Courts Administrator** state this section would allow the court to impound the vehicle driven by a person convicted of driving while intoxicated or excessive BAC. Because of omissions in the bill (nowhere does it provide for who will actually process and facilitate the impoundment), we are unable to provide a fiscal analysis on this section at this time.

Sections 589.660 - 589.683;

Officials of the **Office of Secretary of State - Business Services Division (SOS)** state this proposal creates an address confidentiality program to protect victims of domestic violence by authorizing the use of designated addresses for such victims and their minor children. The

ASSUMPTION (continued)

program would be administered by the SOS. For approved applicants the SOS would forward first-class mail, legal documents, and certified mail to the appropriate program participants. Participants must apply for renewal every four years.

The SOS estimate they would need a program manager, and computer equipment and office furniture for the manager. Travel and training resources would be required to travel to and train personnel in the various counties throughout the state on the proper procedures for certifying someone for the program. Postage and envelopes would be required to forward the mail to the participants. A database to track and maintain renewal information would be required.

The SOS contacted other states (Washington, Nebraska, Montana, & Maine) who indicated a range of start up costs consistent with the costs required to implement this program in Missouri. The number of participants is unknown.

SOS estimates that they would need 1 FTE, a Program Manager, and would need other equipment and expense. Officials estimate costs for 10 months of FY 2008 at \$175,171; in FY 2009 \$168,386; and \$174,593 in FY 2010.

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.

ASSUMPTION (continued)

Oversight assumes agencies would be able to absorb costs resulting from this part of the proposal.

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"

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 **Department of Public Safety - Director's Office** assume this proposal would not fiscally impact their agency.

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.

This proposal could increase Total State Revenues.

FISCAL IMPACT - State Government

FY 2008
(10 Mo.)

FY 2009

FY 2010

GENERAL REVENUE

Savings - 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

\$17,844

\$18,379

\$18,930

Total Savings - 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

(\$17,844)

(\$18,379)

(\$18,930)

Total Costs - 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)

Costs - Office of the State Courts

New crimes and changes in criminal procedures

(Under \$100,000)

(Under \$100,000)

(Under \$100,000)

Costs - Missouri Highway Patrol

Reimbursement for retired MHP for testifying in courts (Section 43.115)	(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 - 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 - DOHSS</u>	<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 Secretary of State
(Sections 589.660 - 589.683)

Personal Service	(\$41,200)	(\$50,923)	(\$52,451)
Fringe Benefits	(\$18,647)	(\$23,048)	(\$23,739)
Equipment	(\$8,658)	(\$8,015)	(\$9,530)
Expense	<u>(\$106,666)</u>	<u>(\$86,400)</u>	<u>(\$87,873)</u>
<u>Total Costs - SOS</u>	<u>(\$175,171)</u>	<u>(\$168,386)</u>	<u>(\$173,593)</u>
FTE Change - SOS	1 FTE	1 FTE	1 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 - STO</u>	<u>(\$49,030)</u>	<u>(\$60,601)</u>	<u>(\$62,418)</u>
FTE Change - STO	1 FTE	1 FTE	1 FTE

<u>Transfer Out</u> to the Reverend Nathaniel Cole Memorial Pursuit Reduction Grant Fund (Section 650.470)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Unknown - exceeding <u>\$1,131,319</u>)	(Unknown - exceeding <u>\$678,453</u>)	(Unknown - exceeding <u>\$688,787</u>)
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CRIMINAL RECORDS FUND

<u>Revenues</u> - Missouri Highway Patrol Fees from record checks (name) from \$5 to \$9 per record (Section 43.530)	\$2,303,333	\$2,764,000	\$2,764,000
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<u>Revenue</u> - Missouri Highway Patrol Fees from record check (fingerprint) from \$14 to \$20 per record (Section 43.530)	\$565,000	\$678,000	\$678,000
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<u>Revenue</u> - Missouri Highway Patrol Fees from record checks (name) from \$9 to \$10 on January 1, 2010 (Section 43.530)	<u>\$0</u>	<u>\$0</u>	<u>\$345,500</u>
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ESTIMATED NET EFFECT TO THE CRIMINAL RECORDS FUND	<u>\$2,868,333</u>	<u>\$3,442,000</u>	<u>\$3,787,500</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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**REVEREND NATHANIEL COLE
MEMORIAL PURSUIT REDUCTION
GRANT**

<u>Transfer In</u> - from General Revenue Appropriation (Section 650.470)	Unknown	Unknown	Unknown
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<u>Costs</u> - grants to urban police departments that have pursuit policy in place (Section 650.470)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO THE REVEREND NATHANIEL COLE MEMORIAL PURSUIT REDUCTION GRANT	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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**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>
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ESTIMATED NET EFFECT TO THE DEPARTMENT OF HEALTH AND SENIOR SERVICES FUND	<u>\$3,605</u>	<u>\$3,713</u>	<u>\$3,824</u>
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VARIOUS OTHER STATE FUNDS

<u>Costs</u> - Various state agencies To Criminal Records Fund for fingerprint background checks (Section 43.546)	<u>\$0 to (\$36,720)</u>	<u>\$0 to (\$36,720)</u>	<u>\$0 to (\$36,720)</u>
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ESTIMATED NET EFFECT TO VARIOUS OTHER STATE FUNDS	<u>\$0 to (\$36,720)</u>	<u>\$0 to (\$36,720)</u>	<u>\$0 to (\$36,720)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
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**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>
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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>
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CITY OF ST. LOUIS

<u>Cost</u> - to St. Louis Police Department overtime compensation (Section 84.160)	<u>(\$500,000)</u>	<u>(\$500,000)</u>	<u>(\$500,000)</u>
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ESTIMATED NET EFFECT TO LOCAL GOVERNMENT	<u>(\$500,000)</u>	<u>(\$500,000)</u>	<u>(\$500,000)</u>
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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 <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
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ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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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>Costs</u> - Background/fingerprint requests (Section 43.530)	(\$288,305)	(\$348,563)	(\$408,821)
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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	(\$288,305) to <u>Unknown</u>	(Unknown) to <u>Unknown</u>	(Unknown) to <u>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) Sections 43.530, 43.546 & 43.547 requires the Highway Patrol, at the direction of the Governor, to conduct name or fingerprint background investigations of gubernatorial appointees. The Governor's directive shall state whether such background investigation shall be a name or fingerprint background investigation. If a fingerprint background investigation is ordered, the appointee must submit a set of fingerprints. These fingerprints and the accompanying fees are forwarded to the Highway Patrol to search the state criminal history repository and the FBI for a national criminal background check.

Currently, an entity making a request, as required by law, for criminal history record information that is not based on a fingerprint search must pay a fee of not more than \$5 per request. Entities making requests not required by law cannot be charged more than \$10. Under this act, an entity cannot be made to pay more than \$9 dollars for such a request regardless of whether required by law. However, after January 1, 2010, the Superintendent of the Highway Patrol may increase the fee by not more than \$1 per year. Under no circumstances shall the fee exceed \$15 dollars per request.

Currently, an entity making a request for criminal history record information that is based on a fingerprint search must pay a fee of not more than \$14 per request when such request is required by law. When not required by law, the entity may be charge not more than \$20 for such request. Under this act, an entity cannot be charged a fee of more than \$20 dollars for criminal history record information based on a fingerprint search, unless the request is required by the concealed carry endorsement statute or foster parent licensing statute, in which case, the fee shall be \$14.

This act allows any state agency, board, or commission to require an applicant to provide fingerprints in specified occupations or appointments for the purposes of positive identification

FISCAL DESCRIPTION (continued)

and receiving criminal history record information when determining the applicant's ability to serve in such an occupation or appointment.

In order to do so, the applicant or employee must submit a set of fingerprints. These fingerprints and the accompanying fees are forwarded to the Highway Patrol to search the state criminal history repository and the FBI for a national criminal background check. All records related to any criminal history information discovered shall be accessible to the state agency making the request.

(2) 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 (Section 50.565);

(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 (Section 84.160);

(4) Sections 174.700 - 174.712 & 544.157 authorizes college and university police officers to enforce traffic regulations on college or university property. The officers will be required to be certified under the Peace Officer Standards and Training (POST) Program and will have authority under the fresh pursuit doctrine found in Section 544.157, RSMo.

(5) Expands protection for the elderly against financial exploitation (Section 192.925);

(6) 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 (Section 195.010);

(7) 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

FISCAL DESCRIPTION (continued)

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 (Sections 195.378 - 195.399);

(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 (Section 195.396);

(9) Revises the laws regarding possession of restricted natural substances (Section 195.550 & 195.552)

(10) 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 (Section 210.1012);

(11) Requires a photograph to be taken of an incarcerated individual upon release and made available to the victim upon his or her request (Sections 217.439 & 590.209);

(12) 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 (Section 217.670);

(13) 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 (Section 210.040);

(14) Allows paid police officers of a paid police department to be eligible for workers' compensation benefits for an injury due to psychological stress (Section 287.067);

(15) 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 (Section 304.070);

FISCAL DESCRIPTION (continued)

(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 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,

FISCAL DESCRIPTION (continued)

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 (Section 306.111 & 306.112, 306.117);

(17) 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 (Section 306.114, 306.117, 577.020)

(18) 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 (Section 409.5-508);

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

(20) 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 (Section 559.021);

(21) 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 (Section 550.040);

(22) 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 (Section 565.024);

(23) 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 (Section 565.063);

FISCAL DESCRIPTION (continued)

(24) 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 (Section 565.081 & 565.082);

(25) 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 (Section 565.145);

(26) 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 provisions of the substitute will be guilty of a class A misdemeanor (Section 566.148);

(27) 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 (Section 570.040);

(28) Increases the penalty for the crime of possessing child pornography from a class C felony to a class B felony (Section 575.075);

(29) 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 (Section 575.075);

(30) Increases the penalty for the crime of making a false report from a class B misdemeanor to a class A misdemeanor (Section 575.080);

(31) 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 (Section 575.153);

FISCAL DESCRIPTION (continued)

(32) 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 (Section 575.260);

(33) Increases the penalty for the crime of assault on a police animal from a class C to a class A misdemeanor (Section 575.353);

(34) Section 577.016 allows a court to order a person's vehicle impounded for up to one year as part of a penalty for driving while intoxicated. The offender will be responsible for all costs associated with towing and storing the vehicle. Before ordering impoundment, the court must examine whether the impoundment would result in the loss of employment, an inability to attend school, or an inability to obtain medical care for the offender or a member of the offender's family. An owner who refuses to pay the impoundment fees or who fails to retrieve the vehicle within 30 days after the impoundment period will be deemed to have abandoned the vehicle. When the vehicle is being leased and the lease expires in less than a year, the impoundment period terminates at the conclusion of the lease.

(35) 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 (Section 578.255);

(36) Sections 589.660 - 589.683 create in the Secretary of State's Office the "Address Confidentiality Program" for victims of domestic violence, rape, sexual assault, and stalking. The program authorizes the use of designated addresses for such victims and their minor children. The Secretary of State shall promulgate rules to implement and administer this program.

An adult, parent of a minor, or guardian of an incapacitated person may apply to the Secretary of State to have a designated address assigned. The Secretary may only approve applications filed properly with the office as established by rule. The application shall contain certain information, including the person's mailing address, the applicant's signature, and a designation of the Secretary as agent for the purpose of service of process and receipt of first-class mail, legal documents, and certified mail. The applicant must supply a sworn statement that he or she is a victim of violence and fears further violent acts from his or her assailant. The applicant must also supply addresses that he or she does not want disclosed because it will jeopardize the applicant's safety.

FISCAL DESCRIPTION (continued)

Upon receiving a properly completed application, the Secretary may certify the applicant as a program participant for four years and forward his or her first-class mail, legal documents, and certified mail. Notification of lapsing certification and a reapplication form shall be sent to the program participant at least four weeks prior to expiration.

The Secretary of State may cancel, with limited exceptions, the certification of a program participant if:

- 1) The participant obtains a name change;
- 2) There is a change in the mailing address from the person listed on the application and another address is not provided; or
- 3) The applicant or participant provides false information or makes false claims in the application or assists another person in doing so.

State and local agencies and the courts shall accept the designated address as a program participant's address when creating new public records unless statute requires otherwise.

The Secretary may make a program participant's address or mailing address available if requested by law enforcement or the director of a state agency if he or she shows a statutory or administrative requirement for the use of such addresses. If deemed appropriate, the Secretary shall make a program participant's addresses available:

- 1) To a person identified in a court order when the order specifically requires the disclosure of a participant's address and the reasons for the disclosure; or
- 2) If the certification has been cancelled because the applicant or participant used false information in an application or made a false claim.

A program participant's application and supporting materials are not a public record and shall be kept confidential.

(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 (Section 590.035);

FISCAL DESCRIPTION (continued)

(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 may be waived for any peace officer who is activated for military duty (Section 590.050);

(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 (Section 590.120);

(40) Allows the Director of the Department of Public Safety to establish rules to implement the POST Program (Section 590.190);

(41) 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;

(42) 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 (Section 595.209);

(43) 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 (Section 610.100);

(44) Allows the department to establish rules recommending procedures for issuing missing/endangered person advisories (Section 650.010);

(45) Revises the continued educational training requirements of 911 telecommunicators from 16 hours in a two-year period to 24 hours every three years (Section 650.340);

(46) 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 (Section 650.457); and

FISCAL DESCRIPTION (continued)

(47) 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 (Section 650.470).

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

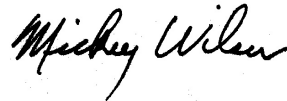
SOURCES OF INFORMATION

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
Missouri Lottery Commission
Missouri Gaming Commission
Department of Social Services
Office of the Attorney General
Department of Insurance, Financial Institutions and Professional Registration
Missouri Ethics Commission
Office of Administration
Department of Natural Resources
Department of Agriculture
Department of Mental Health
Department of Higher Education
Office of the State Auditor
Department of Economic Development
Office of the Lieutenant Governor
State Tax Commission
Missouri Consolidated Health Care Plan

SOURCES OF INFORMATION (continued)

Missouri Senate
Missouri House of Representatives
University of Central Missouri
Missouri State University
Lincoln University
University of Missouri
Linn State Technical College
Metropolitan Community College
Joint Committee on Public 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 Prosecution Services, Office of the State Public Defender



Mickey Wilson, CPA
Director
April 19, 2007