

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1226-01  
Bill No.: HB 366  
Subject: Crimes and Punishment; Drugs and Controlled Substances; Parks and Recreation  
Type: Original  
Date: February 7, 2007

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Bill Summary: The proposal creates the crime of distribution of a controlled substance near a park, a class A felony.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>                   |                              |                              |                              |
|---|------------------------------|------------------------------|------------------------------|
| FUND AFFECTED   | FY 2008                      | FY 2009                      | FY 2010                      |
| General Revenue   | (Less than \$100,000)        | (Less than \$100,000)        | (Less than \$100,000)        |
|   |                              |                              |                              |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue<br/>Fund</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> |

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

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

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

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |          |          |          |
|---|----------|----------|----------|
| FUND AFFECTED   | FY 2008  | FY 2009  | FY 2010  |
|   |          |          |          |
|   |          |          |          |
| <b>Total Estimated<br/>Net Effect on<br/>FTE</b>          | <b>0</b> | <b>0</b> | <b>0</b> |

☐ 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).

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED                              | FY 2008    | FY 2009    | FY 2010    |
| <b>Local Government</b>                    | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Natural Resources, Department of Public Safety – Missouri State Highway Patrol, – Director’s Office, Department of Conservation, Boone County Sheriff’s Department,** and the **Springfield Police Department** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume some cases may become protracted. CTS would not anticipate a significant impact on the budget of the judiciary.

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

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).

At this time, the DOC is unable to determine the number of people who would be convicted under the provisions of this bill and therefore the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum-security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seven (7) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** state any increase in the number of cases referred for criminal prosecution will have an additional fiscal impact on county prosecutors. However, officials from the OPS are not aware of any estimates of the number of additional criminal cases that would be referred to county prosecutors for charges because of this proposed legislation. Additionally, the OPS is not otherwise able to establish a workable estimate of the number of additional criminal cases that would be referred to county prosecutors for charges. It is therefore, not possible to determine if this proposal would have a significant direct fiscal impact on county prosecutors or the OPS.

**Oversight** assumes the Office of Prosecution Services and county prosecutors could absorb any additional costs incurred as a result of the proposed legislation within existing resources.

Officials from the **Office of the State Public Defender (SPD)** assume this new crime will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

**Oversight** assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

**Officials from the Greene County Sheriff's Department, Jackson County Sheriff's Department, St. Louis County Police Department, Columbia Police Department, Kansas City Police Department, and the St. Louis Metropolitan Police Department did not respond to Oversight's request for fiscal impact.**

| <u>FISCAL IMPACT - State Government</u>                       | FY 2008<br>(10 Mo.)                                  | FY 2009  | FY 2010  |
|---|--|--|--|
| <b>GENERAL REVENUE FUND</b>                                   |  |  |  |
| <u>Costs – Department of Corrections</u>                      |  |  |  |
| Incarceration/probation costs                                 | <u>(Less than</u><br><u>\$100,000)</u>               | <u>(Less than</u><br><u>\$100,000)</u>               | <u>(Less than</u><br><u>\$100,000)</u>               |
| <b>ESTIMATED NET EFFECT ON</b><br><b>GENERAL REVENUE FUND</b> | <b><u>(Less than</u></b><br><b><u>\$100,000)</u></b> | <b><u>(Less than</u></b><br><b><u>\$100,000)</u></b> | <b><u>(Less than</u></b><br><b><u>\$100,000)</u></b> |
| <u>FISCAL IMPACT - Local Government</u>                       | FY 2008<br>(10 Mo.)                                  | FY 2009  | FY 2010  |
|   | <u><b>\$0</b></u>                                    | <u><b>\$0</b></u>                                    | <u><b>\$0</b></u>                                    |

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation creates the crime of distribution of a controlled substance near a park when a person unlawfully distributes or delivers a controlled substance to another individual within 1,000 feet of a public, private, state, county, or municipal park. The crime will be a class A felony.

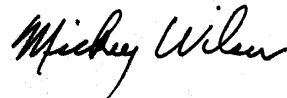
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Department of Natural Resources  
Department of Corrections  
Department of Public Safety  
    – Missouri State Highway Patrol  
    – Director's Office  
Department of Conservation  
Office of Prosecution Services  
Office of the State Public Defender  
Boone County Sheriff's Department  
Springfield Police Department

NOT RESPONDING

**Greene County Sheriff's Department**  
**Jackson County Sheriff's Department**  
**St. Louis County Police Department**  
**Columbia Police Department**  
**Kansas City Police Department**  
**St. Louis Metropolitan Police Department**



Mickey Wilson, CPA  
Director  
February 7, 2007