

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3962-04
Bill No.: HCS for HBs 1493 & 1594
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies
Type: Corrected#
Date: May 5, 2008
Corrected to reflect revised response received from Department of Public Safety – Division of Alcohol and Tobacco Control.

Bill Summary: The proposal revises various provisions relating to crime.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
# General Revenue	(More than \$1,002,751)	(More than \$3,569,330)	(More than \$3,577,496)
# Total Estimated Net Effect on General Revenue Fund	More than \$1,002,751)	(More than \$3,569,330)	(More than \$3,577,496)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 28 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Line of Duty Compensation	\$0	\$0	\$0
Highway	(\$168,300)	(\$173,349)	\$0
Highway Patrol Academy	\$0	\$0	\$0
Crime Victims' Compensation	(Unknown)	(Unknown)	(Unknown)
Cyber Crime Investigation	\$0	\$0	\$0
Elevator Safety	\$57,494	\$6,000	\$59,409
# Alcohol and Tobacco Enforcement Trust	\$125,059	\$156,710	\$155,410
# Total Estimated Net Effect on <u>Other</u> State Funds	(\$14,253 to Unknown)	(\$10,639 to Unknown)	(Unknown) to \$214,819

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Federal	\$13,206	\$13,206	\$13,206
Total Estimated Net Effect on <u>All</u> Federal Funds	\$13,206	\$13,206	\$13,206

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
# General Revenue	2	2	2
# Alcohol and Tobacco Enforcement Trust	1	1	1
Total Estimated Net Effect on FTE	3	3	3

☒ 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 2009	FY 2010	FY 2011
Local Government	(Unknown) to \$161,836	(Unknown) to \$200,027	(Unknown) to \$206,029

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Administrative Hearing Commission, Department of Transportation, Department of Health and Senior Services, Department of Labor and Industrial Relations, Department of Revenue, Boone County Sheriff's Department, St. Joseph Police Department, Eureka Fire Protection District, Kansas City Metropolitan Community College, Linn State Technical College, and the University of Central Missouri** assume the proposal would have no fiscal impact on their agencies.

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 (FY07 average of \$41.21 per inmate per day, or an annual cost of \$15,040 per inmate) or through supervision provided by the Board of Probation and Parole (FY07 average of \$2.43 per offender per day, or an annual cost of \$887 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. It is assumed the impact would be more than \$100,000 per year for the DOC.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** assume because the provisions of this proposed legislation create several new criminal laws and modifies other existing criminal laws, this proposal would have some direct fiscal impact on County Prosecutors from an increase in the number of cases referred for prosecution. In the absence of any estimates of the number of additional criminal cases that would be referred to County Prosecutors for charges because of this proposed legislation, it is not possible to provide estimates concerning the extent of any fiscal impact.

OPS assumes this proposal would not have a significant direct fiscal impact on the Office of Prosecution Services.

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS 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 proposal for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed in a given year and that collectively the costs may be in excess of what the SOS can sustain with their core budget. Any additional required funding would be handled through the budget process.

§§ 43.545, 455.200 and 565.063 – Expands Persons Eligible to file Petition for Orders of Protection

Officials from the **Office of State Courts Administrator (CTS)** assume §§ 43.545, 455.200 and 565.063, RSMo, would expand the number of persons eligible to file a petition for order of protection. Currently, in order to qualify for an order of protection, the petitioner must be a family or household member of the respondent or an adult who has been the victim of stalking. The proposed legislation would change the definition of a "family or household member to include "an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim." Under § 455.025, RSMo, court clerks must provide assistance with adult abuse forms and procedures. This is very time consuming. There could be a significant increase in the number of cases filed. However, CTS has no way of estimating that increase. Any significant increase would be reflected in future budget requests.

ASSUMPTION (continued)

§ 217.831 – Petition to Reimburse State for Cost of Care of Offender

Officials from the **Office of the Attorney General (AGO)** assume the proposed change to § 217.831 will enhance the AGO's ability to bring collection actions under the MO Inmate Reimbursement Act (MIRA). AGO assumes this proposed change will result in an increase in collections of over \$100,000 annually.

§§ 260.282 & 407.300 – Scrap Metal Transactions

Officials from the **Department of Natural Resources (DNR)** assume § 260.282.1 would require any person or entity that accepts or purchases any form of copper or copper alloy as scrap, refuse, recyclable waste, or surplus building materials to register with the DNR. § 260.282.2 would require DNR to promulgate rules to implement the provisions of this proposal.

The fiscal impact to DNR as a result of implementing this proposal is currently undeterminable as the exact number of entities and individuals requiring to be registered cannot be readily determined. As currently written, the fiscal impact from this proposal is expected to be significant. DNR would be unable to meet the requirements of this proposal with existing staff and resources given the number of entities expected to fall within its scope. The proposed legislation does not provide a means of collecting a fee from entities and individuals registering, DNR would need to request state general revenue funds for these activities.

In order to fully implement the proposed legislation, DNR staff would need to: determine the universe of regulated entities; conduct rulemaking and compliance outreach; establish a registration process (most likely an online service due to the extreme number of entities that will be required to register); evaluate submitted registrations; correspond with the regulated community; conduct periodic inspections and monitoring visits to determine compliance; and pursue resolution with poor performers.

§§ 287.243 and 287.245 – Line of Duty Compensation Act

Officials from the **Department of Natural Resources (DNR)** state their Division of State Parks has 50 full-time rangers and commissioned facility managers who could be affected by this proposal. The actual fiscal impact would be unknown, as this would depend on the number of law enforcement officers killed in the line of duty.

ASSUMPTION (continued)

This proposal would create a “Line of Duty Compensation Fund” (Fund). Monies transferred to the Fund would be made from General Revenue and appropriated solely for the purpose outlined in this proposal.

Since this proposal does not appear to require DNR to pay the insurance premiums associated with the proposed death benefits, DNR would not anticipate a direct fiscal impact to the department.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MSHP)** assume the proposal would provide additional workers’ compensation benefits for public safety workers killed in the line of duty. This proposal would authorize a death benefit of \$100,000, plus up to \$10,000 in burial expenses, to be paid when a public safety officer (including highway patrolman) dies in the line of duty. This would be subject to appropriation, presumably from General Revenue, and the claim and payment would be handled by the Division of Workers’ Compensation.

MSHP states the first trooper who died in the line of duty was in 1933. To date, there have been 28 total, 9 of those occurring since 1999. Something like this is impossible to predict, but if the MSHP were to take the average of the past 9 years, there has been approximately one trooper per year who died in the line of duty. Based solely on that average, the cost of this legislation would have been approximately \$110,000 per year, presumably from General Revenue funds. For purposes of this fiscal note, MSHP assumes this average for future years as well.

Oversight assumes benefits for public safety workers killed in the line of duty would be paid from the Line of Duty Compensation Fund, which is funded from the General Revenue fund.

§ 304.230 – Peace Officer Status for Commercial Vehicle Officers

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MSHP)** assume the proposal requires the conversion of current commercial vehicle officers (CVOs) to peace officers by July 1, 2010. This would require CVOs to extend their training from the current 12 weeks to a minimum of 21 weeks in order to complete the 600 hour POST curriculum and specialized training. The extra 9 weeks of training will have an impact on the Academy and CVE as far as housing, meals, and classroom space costs. The Academy normally gets reimbursed from CVE for the cost of providing the current 12 week school at a rate of \$55 per day per student. This would mean a cost of \$2,475 per student for the 9 weeks of additional training (\$55 per day x 9 weeks x 5 days per week = \$2,475).

ASSUMPTION (continued)

This training would involve 135 CVOs, and since this training would have to be completed by the end of FY10, the MSHP would train the first half of them (68 CVOs) in FY09, and the remaining half of them in FY10. This would amount to \$168,300 in FY09 (68 students x \$2,475 per student = \$168,300). Because the training has to be completed by July 1, 2010, no costs are shown for FY11. To pay for this training, the Academy bills the CVE Division, and money is transferred from the Highway fund to the Highway Patrol Academy fund.

§§ 317.006, 317.011, and 317.015 – Mixed Martial Arts

Officials from the **Department of Insurance, Financial Institutions, and Professional Registration (DIFP)** state, having reviewed the proposed legislation and having sought the conclusion of the appropriate board(s), DIFP is of the opinion that his legislation in its present form has no fiscal impact to their division. However, should the number of complaints or board workload increase dramatically with the implementation of this bill, additional appropriation and/or FTE may be requested.

§ 407.934 & Section 3 – Retail Tobacco License

Officials from the **Department of Mental Health (DMH)** assume considerable staff time and field work are used to maintain a complete and accurate list of Missouri tobacco retailers. The current tobacco registry as established by RSMO 407.934 does not provide a sufficiently complete and accurate list to support DMH's activities and enable the state to meet Federal Synar Law requirements. Businesses that do not sell tobacco are listed on the tobacco registry. As such, the DMH supplements the tobacco registry with extensive field work collecting data and office time merging and cleaning lists from multiple sources. DMH's activities include visits to tobacco retailers as part of merchant education efforts as well as compliance checks for Federal Synar Law requirements. Unnecessary staff time and travel costs are incurred when no phone number can be located (outlet phone numbers are not included on the tobacco registry) and visits are made to outlets that do not sell tobacco products. Searching for tobacco outlets not on the list is also resource intensive. A complete and accurate list of tobacco retailers will facilitate meeting Federal Synar Law requirements and, therefore allowing a savings to the state due to a decrease in staff review time saving \$9,334, staff census work at retailers \$3,672 and travel expenditures \$200 for a total savings of \$13,206.

ASSUMPTION (continued)

Officials from the **Department of Public Safety - Alcohol and Tobacco Control (ATC)** state this bill would require tobacco vendors to obtain a license from ATC in order to sell tobacco. ATC would be responsible for providing license information and applications to applicants for a tobacco license, collecting tobacco license applications and license fees and depositing such into the general revenue account. In addition, ATC would be required to generate renewal license applications and mail to tobacco vendors annually.

ATC estimates there are approximately 8,000 tobacco vendors in the state of Missouri. ATC will have to license these vendors and collect license fees. ATC will have to annually send out renewal notices and process 8,000 renewals each year. There will be additional printing and postage costs of about \$5,100 annually.

There will also be more licensing duties that will require an additional Senior Office Support Assistant to help with the licensing files, data entry of licenses into the system and prepare correspondence. The ATC assumes the need for 1 FTE clerical position (at \$24,228 annually) at a total cost of roughly \$45,000, annually.

The ATC assumes Total State Revenue will be increased by approximately \$200,000 each year. ATC believes there are approximately 8,000 tobacco vendors in the state of Missouri. If each one obtains a license for \$25, that would generate \$200,000 in total state revenue.

The ATC assumes the increase in revenue and expense for the new FTE as well as the additional mailing expense would all impact the General Revenue Fund.

The funds will be deposited into a newly created “alcohol and tobacco enforcement trust fund.”

§ 478.466 – Jackson County Drug Court Commissioner

Officials from the **Office of State Courts Administrator (CTS)** assume § 478.466, RSMo, would remove the requirement that the state be reimbursed by Jackson County for salary and benefits of the drug court commissioner in the 16th judicial circuit. The compensation for a drug court commissioner is the same as for an associate circuit judge (\$106,181 per year plus fringe benefits). CTS assumes the total cost of the legislation to be approximately \$163,000 in FY 09 and approximately \$200,000 in subsequent years. Should this legislation pass, the CTS would have to request a supplemental appropriation for FY 09 in the amount of \$163,301.

ASSUMPTION (continued)

Oversight assumes the proposal does not address the current payment of equipment and expenses of the drug court commissioner. Therefore, the fiscal note does not reflect any cost or savings to equipment and expenses.

Oversight assumes the proposal would result in savings to Jackson County because they would no longer be required to reimburse the state for the salary and benefits of the drug court commissioner. Oversight assumes the savings to be approximately \$162,000 in FY 09 and approximately \$200,000 in subsequent years.

Officials from Jackson County did not respond to Oversight's request for fiscal impact.

§§ 479.260 and 488.5032 – Court Costs in Criminal and Municipal Cases where Charges are Dismissed

Officials from the **Office of State Courts Administrator (CTS)** assume §§ 479.260 and 488.5032, RSMo, would allow courts to charge costs in some criminal and municipal cases where the charges are dismissed.

§ 577.023 – Intoxication-Related Offenses

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MSHP)** assume the proposal requires MULES to be searched for intoxication-related traffic offenses. MULES is not currently designed to access databases that include this information. MSHP would have to create new queries to access databases outside of MULES.

MSHP assumes a consultant would need to be hired, and this would require 480 hours of work to develop these new queries, at a cost of \$100 per hour. MSHP estimates the total cost to be \$48,000 (480 hours x \$100 per hour).

§ 595.031 – Shawn Hornbeck Education Reimbursement Program

Officials from the **Department of Public Safety – Director's Office** state the Crime Victims' Compensation Program will pay for counseling for the parents and child. Officials assume an unknown fiscal impact.

ASSUMPTION (continued)

§ 650.055 – DNA Profiling System

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MSHP)** assume the proposal expands the DNA profiling system by requiring any person 17 years of age or older who is arrested for a felony offense under chapter 565 or 566, RSMo, or has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513, RSMo, to provide a biological sample for the purpose of DNA profiling analysis.

The MSHP's Crime Laboratory Division estimates that the proposed legislation could result in the collection of an additional 39,125 DNA samples. Plus the unit's intake, this equates to approximately 9,525 more samples than the unit's present capacity of 50,000 samples per year. To properly implement this proposal, the unit would need one additional FTE Lab Evidence Technician (at \$25,188 per year), equipment, and additional funding for collection kits, reagents and consumables.

Estimates are based on the MSHP UCR 2007 arrest statistics and the CLD 2007 offender sample intake. The UCR statistics collects data based on 18 years of age; therefore, the effect of changing the arrest age to 17 years of age cannot be determined. The number of samples received in 2007 from convicted offenders under chapters 565 and 566 were subtracted from the number of arrests made in 2007. This subtraction is believed to prevent duplication in sample count.

FTE needs and cost calculations are based on the unit's present processing capacity and operational costs. The unit's sample processing capability of 50,000 samples per year was subtracted from the total samples projected under this proposal.

These two adjustments result in an expectation of an additional 9,525 samples each year. The fiscal note is for the FTE, equipment, funding and storage needed to process the 9,525 samples.

The cost of the collection kit is currently \$31.20		
Cost to process sample DNA (9,525 x \$31.20)	\$297,180	(Recurring)
1 Laboratory Evidence Technician (\$1,049.50 x 24)	\$25,188	(Recurring)
To receive, accept, track and store all samples; data entry; maintain equipment and supplies.		

ASSUMPTION (continued)

CONSTRUCTION COSTS

Sample Storage: 1,000 square feet at \$150 per square foot Storage for samples taken into the system over a ten-year period.	\$150,000	(One Time)
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EQUIPMENT/MAINTENANCE/ACCREDITATION

Instrumentation/Equipment	\$284,300	(One Time)
Equipment maintenance	\$18,500	(Recurring)

On-going operation costs for maintaining the lab (i.e., utilities/cleaning costs)	\$9.82/sq ft	(Recurring)
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In summary, MSHP estimates the total cost of this section to be approximately \$793,000 in FY 09, 387,000 in FY 10, and \$371,467 in FY 11.

§ 650.120 – Cyber Crime Grant Funding

In response to a similar proposal from the current session (SS for SCS for SBs 714, 933, 899, & 758, LR # 3292-11), officials from the **Office of Administration – Division of Budget and Planning** assumed the proposal would have a cost of \$3 million annually, starting in FY 2010.

Officials from the **Department of Public Safety – Director’s Office** assume the increased fund amount and additional training expenditures covered may increase the number of grants awarded enough to require an FTE in our budget, although these expenses would be within the 3% administrative expenses allowed for this program. DPS assumes the possible fiscal impact for this section unknown.

§650.470 – Reverend Nathaniel Cole Memorial Pursuit Reduction Grant

Officials from the **Department of Public Safety – Director’s Office (DPS)** assume the addition of this grant program adds administrative costs which DPS is unable to determine at this time as they cannot determine the amount of the appropriation, the number of grants to be processed, and the costs associated with real-time tagging and tracking pursuit management systems.

ASSUMPTION (continued)

§ 701.355 – Elevator Mechanics and Elevator Contractors

Officials from the **Department of Public Safety – Division of Fire Safety (DFS)** assume this legislation will provide for a licensing program for elevator mechanics and elevator contractors. There has never been a mechanism to license or track these individuals in the past. Based on discussion with the members of the Elevator Safety Board, it is estimated 650 individuals would seek licensure as a mechanic, and 12 companies that would seek licensure as contractors. Fees would be set at \$100 for a two-year mechanics license and \$500 for a one-year contractor license. Fees would be deposited into the Elevator Safety fund, and would generate approximately \$71,000 in the first year of implementation, and \$6,000 in the second year.

Due to the number of individuals who would seek licensure, this program would increase the workload of existing Division Elevator Program staff. Therefore, the DFS would request a one-thousand hour clerical position in the years which the mechanics license to process and evaluate the applications and process the fees, as well as supporting expense funding to administer these additional duties. This position would not be needed in the second year of the licenses for the mechanics since it is a biennial license.

DFS estimates the proposal would result in total revenues of approximately \$57,000 in FY 09, 4,500 in FY 10, and \$59,000 in FY 11.

Oversight assumes there would be no expenses incurred by the one-thousand hour clerical position in FY 10, since the clerical position would be used to process the biennial license applications. Oversight has adjusted Division of Fire Safety's estimates to eliminate expenses for FY 10.

Section 2 – Omit Personal Identifiers for Law Enforcement Officer from Criminal Cases

Officials from the **Office of State Courts Administrator (CTS)** assume Section 2, subsection 1, would require court personnel, prior to disclosure to the public, to omit the Social Security number, date of birth, address of any law enforcement officer, and any other personal identifier for a law enforcement officer from any criminal case. There may be some, unknown impact on the workload of the courts. Any significant increase would be reflected in future budget requests.

The proposed legislation could have a fiscal impact on total state revenue.

ASSUMPTION (continued)

Officials from the Department of Elementary and Secondary Education, Office of the State Public Defender, and the University of Missouri did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE FUND			
<u>Revenues</u> – Office of the Attorney General (§ 217.831)			
Reimbursement for cost offender care	More than \$100,000	More than \$100,000	More than \$100,000
# <u>Revenues</u> – Alcohol and Tobacco Control (§ 407.934)			
# New \$25 annual license fee for retailers of cigarettes or tobacco products	\$0	\$0	\$0
<u>Transfers out</u> – Department of Labor and Industrial Relations (§§ 287.243 & 287.245)			
To Line of Duty Compensation Fund	(Unknown)	(Unknown)	(Unknown)
<u>Transfers out</u> – Office of Administration (§ 650.120)			
To Cyber Crime Investigation Fund	\$0	(\$3,000,000)	(\$3,000,000)
<u>Costs</u> – Department of Corrections (various sections)			
Incarceration/probation costs	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<u>Costs</u> – Department of Natural Resources (§§ 260.282 & 407.300)			
Administrative costs	(Unknown)	(Unknown)	(Unknown)

FISCAL IMPACT - State Government
 (continued)

FY 2009
 (10 Mo.)

FY 2010

FY 2011

GENERAL REVENUE FUND
 (continued)

Costs – Alcohol and Tobacco Control
 (§ 407.934)

# Personal Service	\$0	\$0	\$0
# Fringe Benefits	\$0	\$0	\$0
# Expense and Equipment	\$0	\$0	\$0
# Postage and Printing	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
# <u>Total Costs – ATC</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
# FTE Change – ATC	0 FTE	0 FTE	0 FTE

Costs – Office of State Courts
 Administrator (CTS) (§ 478.466)

Personal Service	(\$91,139)	(\$112,647)	(\$116,027)
Fringe Benefits	<u>(\$70,697)</u>	<u>(\$87,380)</u>	<u>(\$90,002)</u>
<u>Total Costs – CTS</u>	<u>(\$161,836)</u>	<u>(\$200,027)</u>	<u>(\$206,029)</u>
FTE Change – CTS	1 FTE	1 FTE	1 FTE

Costs – Missouri State Highway Patrol
 (§ 577.023)

Consultant costs	(\$48,000)	\$0	\$0
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Costs – Missouri State Highway Patrol
 (§ 650.055)

Personal Service	(\$21,620)	(\$26,722)	(\$27,524)
Fringe Benefits	(\$13,132)	(\$16,231)	(\$16,718)
Equipment and Expense	(\$310,983)	(\$29,170)	(\$30,045)
Sample Storage Space	(\$150,000)	\$0	\$0
DNA Collection Kits	<u>(\$297,180)</u>	<u>(\$297,180)</u>	<u>(\$297,180)</u>
<u>Total Costs – Missouri State Highway Patrol</u>	<u>(\$792,915)</u>	<u>(\$369,303)</u>	<u>(\$371,467)</u>
FTE Change – MSHP	1 FTE	1 FTE	1 FTE

FISCAL IMPACT - State Government
 (continued)

FY 2009
 (10 Mo.)

FY 2010

FY 2011

GENERAL REVENUE FUND
 (continued)

Costs – Department of Public Safety (§
 650.470)

For Reverend Nathaniel Cole Memorial
 Pursuit Reduction Grants

(Unknown)

(Unknown)

(Unknown)

**# ESTIMATED NET EFFECT ON
 GENERAL REVENUE FUND**

**(More than
 \$1,002,751)**

**(More than
 \$3,569,330)**

**(More than
 \$3,577,496)**

Estimated Net FTE Change for General
 Revenue Fund

2 FTE

2 FTE

2 FTE

**LINE OF DUTY COMPENSATION
 FUND**

Transfers in – Department of Labor and
 Industrial Relations (§§ 287.243 &
 287.245)

From General Revenue Fund

Unknown

Unknown

Unknown

Costs – Department of Labor and
 Industrial Relations (§§ 287.243 &
 287.245)

Compensation for emergency
 personnel killed in the line of duty

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT ON
 LINE OF DUTY COMPENSATION
 FUND**

\$0

\$0

\$0

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2009 (10 Mo.)	FY 2010	FY 2011
HIGHWAY FUND			
<u>Transfers out</u> – Missouri State Highway Patrol (§ 340.230)			
To Highway Patrol Academy Fund	<u>(\$168,300)</u>	<u>(\$173,349)</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON HIGHWAY FUND	<u>(\$168,300)</u>	<u>(\$173,349)</u>	<u>\$0</u>
HIGHWAY PATROL ACADEMY FUND			
<u>Transfers in</u> – Missouri State Highway Patrol (§ 340.230)			
From Highway Fund	\$168,300	\$173,349	\$0
<u>Costs</u> – Missouri State Highway Patrol (§ 340.230)			
CVO training	<u>(\$168,300)</u>	<u>(\$173,349)</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON HIGHWAY PATROL ACADEMY FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - State Government
 (continued)

FY 2009
 (10 Mo.)

FY 2010

FY 2011

**CRIME VICTIMS'
 COMPENSATION FUND**

Costs – Department of Public Safety
 (§ 595.031)

Tutoring expenses

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT ON
 CRIME VICTIMS'
 COMPENSATION FUND**

(Unknown)

(Unknown)

(Unknown)

**CYBER CRIME INVESTIGATION
 FUND**

Transfers in – Office of Administration
 (§ 650.120)

From General Revenue Fund

\$0

\$3,000,000

\$3,000,000

Costs – Department of Public Safety
 (§ 650.120)

Administrative costs

\$0 (Up to \$90,000) (Up to \$90,000)

Costs – Department of Public Safety
 (§ 650.120)

Grants to multijurisdictional internet
 cyber crime law enforcement task forces

\$0

(\$2,910,000)

(\$2,910,000)

**ESTIMATED NET EFFECT ON
 CYBER CRIME INVESTIGATION
 FUND**

\$0

\$0

\$0

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2009 (10 Mo.)	FY 2010	FY 2011
ELEVATOR SAFETY FUND			
<u>Revenues</u> – Division of Fire Safety (DFS) (§ 701.355)			
Licensing fees	\$71,000	\$6,000	\$71,000
<u>Costs</u> – Division of Fire Safety (DFS) (§ 701.355)			
Personal Service	(\$10,000)	\$0	(\$10,000)
Equipment and Expense	<u>(\$3,506)</u>	<u>\$0</u>	<u>(\$1,591)</u>
<u>Total Costs</u> – DFS	<u>(\$13,506)</u>	<u>\$0</u>	<u>(\$11,591)</u>
ESTIMATED NET EFFECT ON ELEVATOR SAFETY FUND	<u>\$57,494</u>	<u>\$6,000</u>	<u>\$59,409</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2009 (10 Mo.)	FY 2010	FY 2011
# ALCOHOL AND TOBACCO ENFORCEMENT TRUST FUND			
# <u>Revenues</u> – Alcohol and Tobacco Control (§ 407.934)			
# New \$25 annual license fee for retailers of cigarettes or tobacco products	\$166,667	\$200,000	\$200,000
# <u>Costs</u> – Alcohol and Tobacco Control (§ 407.934)			
# Personal Service	(\$20,796)	(\$25,703)	(\$26,475)
# Fringe Benefits	(\$9,196)	(\$11,366)	(\$11,707)
# Expense and Equipment	(\$7,366)	(\$968)	(\$997)
# Postage and Printing	(\$4,250)	(\$5,253)	(\$5,411)
# <u>Total Costs</u> – ATC	<u>(\$41,608)</u>	<u>(\$43,290)</u>	<u>(\$44,590)</u>
# FTE Change – ATC	1 FTE	1 FTE	1 FTE
# ESTIMATED NET EFFECT ON ALCOHOL AND TOBACCO ENFORCEMENT TRUST FUND			
	\$125,059	\$156,710	\$155,410
# Estimated Net FTE Change for Alcohol and Tobacco Enforcement Trust Fund			
	1 FTE	1 FTE	1 FTE
FEDERAL FUNDS			
# <u>Savings</u> – Department of Mental Health (§ 407.934)			
Improved efficiency in using staff resources from improved tobacco retailer listing	<u>\$13,206</u>	<u>\$13,206</u>	<u>\$13,206</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS			
	<u>\$13,206</u>	<u>\$13,206</u>	<u>\$13,206</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
LOCAL GOVERNMENT			
<u>Savings</u> – Jackson County (§ 478.466)			
Personal Service	\$91,139	\$112,647	\$116,027
Fringe Benefits	<u>\$70,697</u>	<u>\$87,380</u>	<u>\$90,002</u>
<u>Total Savings</u> – Jackson County	<u>\$161,836</u>	<u>\$200,027</u>	<u>\$206,029</u>
<u>Revenues</u> – Law Enforcement Agencies			
Grants for multijurisdictional internet cyber crime law enforcement task forces (\$ 650.120)	\$0	\$2,910,000	\$2,910,000
Reverend Nathaniel Cole Memorial Pursuit Reduction Grants (§ 650.470)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<u>Total Revenues</u> – Law Enforcement Agencies	<u>Unknown</u>	<u>\$2,910,000 to Unknown</u>	<u>\$2,910,000 to Unknown</u>
<u>Costs</u> – Law Enforcement Agencies			
Multijurisdictional internet cyber crime law enforcement task forces (\$ 650.120)	\$0	(\$2,910,000)	(\$2,910,000)
Reverend Nathaniel Cole Memorial Pursuit Reduction Grants for purchase of tagging and tracking pursuit management systems (§ 650.470)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>Total Costs</u> – Law Enforcement Agencies	<u>(Unknown)</u>	<u>(\$2,910,000 to Unknown)</u>	<u>(\$2,910,000 to Unknown)</u>
<u>Costs</u> – County Prosecutors			
Increased case load	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT	<u>(Unknown) to \$161,836</u>	<u>(Unknown) to \$200,027</u>	<u>(Unknown) to \$206,029</u>

FISCAL IMPACT - Small Business

Scrap Metal Transactions – §§ 260.282 & 407.300

Small businesses conducting, but not limited to salvage operations (approx. 250); garbage collection (unknown); recycling operations (approx. 125); contractors conducting cleanups, restorations, and demolition; second hand building supply stores; or other businesses selling second hand goods; and sanitary or demolition landfills, as well as any type of business or individual that seeks to purchase or accept copper or copper alloy, and possibly any brass, aluminum, or aluminum alloy scrap or other used or surplus building materials from the public could experience an economic impact as a result of the legislation.

§ 407.934 – Retail Tobacco License

Small tobacco retail businesses would have to pay an additional \$25 per year to obtain the new license outlined in the proposal.

Licensing of Elevator Mechanics and Elevator Contractors – § 701.355

Small businesses may realize an economic impact due to the fee to be licensed.

FISCAL DESCRIPTION

The proposal expands the number of persons eligible to file a petition for order of protection. Currently, in order to qualify for an order of protection, the petitioner must be a family or household member of the respondent or an adult who has been the victim of stalking. The proposed legislation would change the definition of a “family or household member to include “an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim.” (§§ 43.545, 455.200 and 565.063)

Makes it a crime to possess or have under his or control a restricted natural substance. Violators are guilty of a class A misdemeanor for the first offense and a class D felony for subsequent offenses. (§ 195.555)

Makes it unlawful to distribute, deliver, manufacture, produce, cultivate, or attempt to distribute, deliver, manufacture, produce, or cultivate a restricted natural substance. Violators are guilty of a class C felony for the first offense and a class B felony for subsequent offenses. (§ 195.557)

FISCAL DESCRIPTION (continued)

The Attorney General shall seek to secure reimbursement for the expense of the state for the cost of care of an offender or former offender. (§ 217.831)

Requires any person or entity that accepts or purchases any form of copper or copper alloy as scrap, refuse, recyclable waste, or surplus building materials to register with the Department of Natural Resources. (§ 260.282)

Provides additional workers' compensation benefits for public safety workers killed in the line of duty. The proposal would authorize a death benefit of \$100,000, plus up to \$10,000 in burial expenses, to be paid when a public safety worker dies in the line of duty. (§§ 287.243, 287.245)

Requires the conversion of current commercial vehicle officers (CVOs) to peace officers by July 1, 2010. (§ 300.230)

Increases the penalty from a class B misdemeanor to a class A misdemeanor for driving a commercial vehicle while under the influence. (§ 302.780)

Prohibits the Division of Professional Registration within the Department of Insurance, Financial Institutions, and Professional Registration from issuing a permit to hold any amateur or professional full-contact karate or mixed martial arts contest in which any contestant is younger than 18 years of age. The proposal contains an emergency clause for the provisions in these sections, making these sections in full force and effect upon passage and approval. (§§ 317.006, 317.011, 317.015)

Dealers purchasing specified materials including copper or its alloys, brass, aluminum or its alloys, and surplus building materials must obtain a record of the seller's name, address, driver's license number, vehicle license plate number, vehicle's make and model, and the amount and type of metal purchased. Records must be kept for three years and made available to law enforcement officers upon request. Anyone violating these provisions will be guilty of a class C misdemeanor, and a subsequent violation will be a class B misdemeanor. (§ 407.300)

The proposal would require a separate license, at an annual cost of \$25, to sell cigarettes and tobacco products. The revenues for the license would go to the Department of Public Safety – Division of Alcohol and Tobacco Control. (§ 407.934)

FISCAL DESCRIPTION (continued)

The proposal would require a separate license, at an annual cost of \$25, to sell cigarettes and tobacco products. The revenues for the license would go to the Department of Public Safety – Division of Alcohol and Tobacco Control and be deposited into the Alcohol and Tobacco Enforcement Trust Fund. (§ 407.934 & Section 3)

The penalty for a conviction of a criminal violation related to the sale of securities committed against an elderly or disabled person shall be a fine of not less than \$50,000 and imprisonment for not less than 5 years. (§§ 409.5-508 & 409.6-604)

Currently, Jackson County must reimburse the state for moneys received for the salary and benefits payable to the drug court commissioner in the 16th judicial circuit. The proposal removes the reimbursement requirement. (§ 478.466)

Allows courts to charge costs in some criminal and municipal cases where the charges are dismissed. (§§ 479.260 and 488.5032)

Sets the statute of limitation for robbery, arson, and burglary to within 5 years. (§ 556.036)

Would not allow probation for forcible rape and forcible sodomy convictions. (§ 559.106)

Expands the crimes of assault of a law enforcement officer, emergency personnel, or probation and parole officer I, II, and III to include a highway worker in a construction zone or work zone. (§§ 565.081, 565.082, & 565.083)

Makes it a class A misdemeanor for the first offense and a class D felony for subsequent offenses for a person required to register as a sexual offender to be present in or loiter within 500 feet of any state park. (§ 566.146)

Persons convicted of or found guilty of certain sexual offenses would not be permitted to be present in or loiter within 500 feet of a child care facility. Violators would be guilty of a class A misdemeanor. (§ 566.148)

Persons convicted of or found guilty of certain sexual offenses would not be permitted to be present in or loiter within 500 feet of a public park with playground equipment or public swimming pool. Violators would be guilty of a class A misdemeanor for the first offense and a class D felony for subsequent offenses. (§ 566.150)

FISCAL DESCRIPTION (continued)

Makes it a felony with the authorized term of imprisonment of not less than fifteen years for endangering the welfare in the first degree by shaking a child under the age of 5 years old. (§ 568.045)

Broadens the crime of unlawful possession of a concealable firearm to unlawful possession of a firearm. (§ 571.070)

Increases the penalty of possession of child pornography from a class D felony to a class C felony for the first offense and from a class C felony to a class B felony for subsequent offenses. (§ 573.037)

Expands the crime of making a false declaration, a class B misdemeanor, to include providing any verbal false statement regarding one's identity. (§ 575.060)

Increases the penalty of making a false report from a class B misdemeanor to a class A misdemeanor. (§ 575.080)

Increases the penalty for resisting or interfering with arrest, detention, or stop from a class D felony to a class C felony. If fleeing creates a substantial risk of serious physical injury or death to any person, the penalty is increased from a class D felony to a class C felony. (§ 575.150)

Creates the crime of disarming a peace officer, a class C felony. (§ 575.153)

Modifies provisions relating to intoxication-related traffic offenses. (§ 577.023)

Creates the "Shawn Hornbeck Education Reimbursement Program" where the crime victims' compensation fund will pay the cost of education for any victim of Section 565.110 or 565.116 who was confined for at least 180 days. (§ 595.031)

Expand the DNA profiling system by requiring any person 17 years of age or older who is arrested for a felony offense under chapter 565 or 566, RSMo, or has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513, RSMo, to provide a biological sample for the purpose of DNA profiling analysis. (§ 650.055)

FISCAL DESCRIPTION (continued)

Creates the “Cyber Crime Investigation Fund.” This fund shall be used solely for the administration of the cyber crime investigation grant program. Beginning with fiscal year 2010, the general assembly shall appropriate three million dollars to the fund annually. The Department of Public Safety shall administer the fund. The proposal allows money distributed by the Department of Public Safety to investigate internet sex crimes against children to be used to fund training for prosecuting and circuit attorneys. Currently, the money can only be used for other purposes, including training law enforcement personnel. (§650.120)

Creates the Reverend Nathaniel Cole Memorial Pursuit Reduction Grant, which shall be used to provide grants to urban police departments which purchase real-time tagging and tracking pursuit management systems. (§ 650.470)

Provides for a licensing program for elevator mechanics and elevator contractors. (§ 701.355)

Requires court personnel, prior to disclosure to the public, to omit the Social Security number, date of birth, address of any law enforcement officer, and any other personal identifier for a law enforcement officer from any criminal case. (Section 2)

Creates the crime of failure to adequately control an animal, a class A misdemeanor. (Section 5)

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 the Attorney General
Office of Administration

- Administrative Hearing Commission
- Division of Budget and Planning

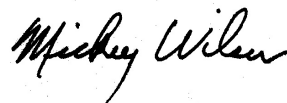
Office of State Courts Administrator
Department of Transportation
Department of Insurance, Financial Institutions, and Professional Registration
Department of Natural Resources
Department of Corrections
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety

- Division of Fire Safety
- Missouri State Highway Patrol
- Director's Office
- Division of Alcohol and Tobacco Control

Office of Prosecution Services
Office of the Secretary of State
Boone County Sheriff's Department
St. Joseph Police Department
Eureka Fire Protection District
Kansas City Metropolitan Community College
Linn State Technical College
University of Central Missouri

NOT RESPONDING

Department of Elementary and Secondary Education
Office of the State Public Defender
University of Missouri
Jackson County



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Mickey Wilson, CPA
Director
May 5, 2008