

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3992-01  
Bill No.: HB 1451  
Subject: Probation and Parole; Attorneys  
Type: Original  
Date: February 23, 2010

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Bill Summary: The proposal allows prosecuting or circuit attorneys to collect restitution as a condition of parole or conditional release, creates a restitution handling fee, and creates the Administrative Handling Cost Fund.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
MO Office of Prosecution Services*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Offsetting Revenues and Costs of an Unknown amount, net to \$0.

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on 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).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Local Government*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Offsetting Revenues and Costs of an Unknown amount, net to \$0.

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## **FISCAL ANALYSIS**

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### **ASSUMPTION**

Officials from the **Department of Revenue, Office of the State Auditor, and St. Louis County** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** assume the proposal enhances the restitution statute to include not only tampering and stealing offenses, but for any offense the courts so choose. Once the court orders restitution it is considered a mandate and the DOC is authorized to remove funding from the inmate's account (if it exists) while the defendant is incarcerated. Failure to pay mandated restitution may result in extension to the maximum term of parole which keeps the offender under supervision longer with Probation and Parole or a revocation may mean time served in prison. Monitoring offender's restitution payment status is now enhanced for P&P staff since the volume of restitution cases will increase.

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 direct offender cost either through incarceration (FY09 average of \$16.04 per offender, per day, or an annual cost of \$5,855 per inmate) or through supervision provided by the Board of Probation and Parole (FY09 average of \$3.71 per offender, per day or an annual cost of \$1,354 per offender).

In summary, passage of this bill has the potential for unknown costs for the DOC per each year.

Officials from **Cass County** assume a positive fiscal impact to its restitution fund.

Officials from the **Platte County** assume the proposal would have a positive effect on local government revenues and improve services to victims of crime by requiring criminals to pay the costs collecting restitution owed to victims of crime.

**Oversight** assumes the administrative handling cost would be deposited into the county Administrative Handling Cost Fund and then distributed to the county prosecuting attorney or circuit attorney. Oversight assumes the deposits in this fund to be Unknown, and to be equal to the costs of the county prosecuting attorney or circuit attorney.

ASSUMPTION (continued)

**Oversight** assumes the additional cost of five dollars per crime victim paid by persons paying restitution would be deposited into the Missouri Office of Prosecution Services Fund. Oversight assumes the deposits into this would be used by the Office of Prosecution Services, as specified in Sections 56.750 , 556.755, and 56.760, RSMo. Oversight assumes the deposits to be equal to the costs of the Office of Prosecution Services.

**Officials from Various Missouri Counties did not respond to Oversight's request for fiscal impact.**

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
<b>GENERAL REVENUE FUND</b>			
<u>Costs</u> – Department of Corrections			
Probation costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
<b>MO OFFICE OF PROSECUTION SERVICES FUND</b>			
<u>Revenues</u> – Office of Prosecution Services			
Additional cost from persons paying restitution	Unknown	Unknown	Unknown
<u>Costs</u> – Office of Prosecution Services			
Administrative costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON MO OFFICE OF PROSECUTION SERVICES FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
<b>LOCAL GOVERNMENT</b>			
<u>Revenues</u> – County Prosecutors			
Administrative handling cost paid into the Administrative Handling Cost Fund	Unknown	Unknown	Unknown
<u>Costs</u> – County Prosecutors			
Prosecuting attorney or circuit attorney costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

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 requires any restitution ordered by the court or agreed to by the parties to be paid through the office of the prosecuting or circuit attorney. Any prosecuting or circuit attorney who collects restitution will also collect from the person paying restitution an administrative handling cost in addition to all other costs and fees allowed by law. The cost will be \$25 for restitution of less than \$100 and \$50 for restitution between \$100 and \$249. For restitution of \$250 or more, the cost will be 10% of the total restitution, not to exceed \$75. In addition to the administrative handling cost, an installment cost will be assessed in the amount of \$2 for each restitution payment except for the first payment. The county treasurer is to deposit the costs collected and the restitution payments received into a separate interest-bearing administrative handling cost fund.

The prosecuting or circuit attorney is required to collect from the person paying restitution an additional \$5 per crime victim to whom restitution is being paid. Those funds must be deposited into the Missouri Office of Prosecution Services Fund and transmitted at least monthly to the Director of the Department of Revenue. The bill specifies how the moneys are to be used and that the fund may be audited by the State Auditor or the appropriate auditing agency.

FISCAL DESCRIPTION (continued)

The court may set an amount of restitution to be paid by a defendant who is incarcerated. The amount will be taken from the inmate's account at the Department of Corrections.

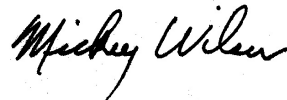
This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Department of Corrections  
Department of Revenue  
Office of the State Auditor  
Cass County  
Platte County  
St. Louis County

NOT RESPONDING

**Various Missouri Counties**



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Director  
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