

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0041-03  
Bill No.: SB 37  
Subject: Crimes and Punishment; Drunk Driving/Boating; Motor Vehicles  
Type: Original  
Date: January 18, 2005

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	(\$93,756)	(\$90,346 to Unknown)	(\$92,657 to Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$93,756)</b>	<b>(\$90,346 to Unknown)</b>	<b>(\$92,657 to Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Department of Revenue, Department of Public Safety – Missouri State Water Patrol, – Missouri State Highway Patrol, – Division of Fire Safety,** and the **Department of Transportation** 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 **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

ASSUMPTION (continued)

Officials from the **Office of the State Public Defender (SPD)** assume the proposed legislation increases the penalty for involuntary manslaughter from a class C to a class A felony when the death results from a driving while intoxicated (DWI) blood alcohol level of 1.5 times the legal limit. The SPD had 32 cases of involuntary manslaughter last year. Nearly all were DWI related. The SPD estimates at least 20 of the 32 potentially elevated cases will go to trial. The increased number of trials would require 1 FTE Assistant Public Defender (at \$41,476 per year), 1/4 FTE Paralegal/Investigator (each at \$25,932 per year), and 1/4 FTE Secretary (each at \$21,564 per year). The SPD estimates the total cost of the proposal to be \$98,506 in FY 06, \$96,217 in FY 07, and \$98,704 in FY 08.

**Oversight** assumes the additional FTE would be housed within existing facilities and has eliminated the cost of rent from the SPD's estimates.

Officials from the **Department of Corrections (DOC)** assume the proposal increases the penalty from a class C to a class A felony for Involuntary Manslaughter I pursuant to outlined circumstances.

DOC received 17 new admittances in FY04 for Involuntary Manslaughter I. The average prison time served for a class C felony is 15 months, so the effect of increasing the penalty provisions for this crime to a class A felony would begin in the 2nd year after this bill passed into law. A random spot check of 2 of these cases showed the Blood Alcohol Content (BAC) to exceed the newly proposed criteria, however at the time of this writing, the statistics have yet to be received from Department of Revenue showing the BAC of each Involuntary Manslaughter I case. It is unknown the exact number of offenders who would be serving additional prison time due to passage of this bill therefore the fiscal impact beginning in the second year is an Unknown amount at this time.

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 (FY04 average of \$38.37 per inmate per day, or an annual cost of \$14,005 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender per day, or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through incarceration or probation would result in additional costs beginning in the second year of this fiscal note, but that amount is currently Unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
<b>GENERAL REVENUE FUND</b>			
<u>Costs – State Public Defender (SPD)</u>			
Personal Service (1.5 FTE)	(\$45,570)	(\$56,051)	(\$57,452)
Fringe Benefits	(\$19,440)	(\$23,911)	(\$24,509)
Expense and Equipment	<u>(\$28,746)</u>	<u>(\$10,384)</u>	<u>(\$10,696)</u>
<u>Total Costs – SPD</u>	(\$93,756)	(\$90,346)	(\$92,657)
<u>Costs – Department of Corrections</u>			
Incarceration/probation costs	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>Total Costs – DOC</u>	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$93,756)</u></b>	<b><u>(\$90,346 to Unknown)</u></b>	<b><u>(\$92,657 to Unknown)</u></b>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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


DESCRIPTION

Under the proposed legislation, a person who commits involuntary manslaughter would be guilty of a class A felony if the person has a blood alcohol level that is one and a half times the legal limit or a fatality occurs when the person’s vehicle leaves a public thoroughfare.

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 Public Safety  
    – Division of Fire Safety  
    – Missouri State Highway Patrol  
    – Missouri State Water Patrol  
Department of Transportation  
Office of Prosecution Services  
Office of the State Public Defender



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