

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0337-03
Bill No.: SB 402
Subject: Children and Minors; Alcohol; Drugs and Controlled Substances; Crimes and Punishment; Drunk Driving/Boating.
Type: Original
Date: March 14, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	(Could exceed \$104,667)	(Could exceed \$105,600)	(Could exceed \$105,600)
Total Estimated Net Effect on General Revenue Fund	(Could exceed \$104,667)	(Could exceed \$105,600)	(Could exceed \$105,600)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Highway Funds	\$84,825	\$101,790	\$101,790
Total Estimated Net Effect on <u>Other</u> State Funds	\$84,825	\$101,790	\$101,790

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$28,275 to (Unknown)	\$33,930 to (Unknown)	\$33,930 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol** assume the proposal would not fiscally impact their agency.

Officials from the **Department of Social Services - Division of Youth Services (DYS)** state that few, if any, youth are committed to the care of their agency for the sole cause of being a minor in possession of alcohol. Therefore, DYS does not anticipate any significant fiscal impact from the proposal.

Officials from the **Office of Prosecution Services** assume the proposal will not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of the State Courts Administrator (CTS)** state at present, only juveniles who are found to be in possession of intoxicating beverages can be charged with a violation of the statute. This legislation would change that to include anyone "who is visibly intoxicated or has a detectable blood alcohol content" to be charged with a violation. Depending on the degree of enforcement, this legislation could have a significant workload and fiscal impact on the courts.

ASSUMPTION (continued)

While CTS is unable to provide a specific estimate of the potential number of additional cases filed, CTS can estimate that the potential cost to the courts from this legislation could be in excess of \$100,000.

Officials from the **Office of the State Public Defender (SPD)** assume for the purpose of this proposed legislation, that existing staff could provide representation for the creation and modification of provisions relating to underage drinking for those few cases arising where indigent persons were charged.

Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases

Officials from the **Department of Corrections (DOC)**, state this bill, if passed into law, creates and modifies provisions relating to underage drinking. Penalty provisions for violations, the component of the bill to have potential fiscal impact for DOC, is for a class A misdemeanor.

Currently, DOC 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 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 probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Revenue (DOR)** state this proposal will require 1,440 Hours of programming to internal automated systems and 250 hours for testing the program changes. This function will be performed with existing budgetary resources.

The increased document processing would require 1 Licensing Tech I position. However, DOR will absorb the new processes within existing processing areas of the department.

ASSUMPTION (continued)

DOR assumes their Driver and Vehicle Services Bureau will incur postage cost of \$4,667 for FY06 and \$5,600 for FY 07 and FY 08 for correspondence regarding notice of suspensions, suspension actions, and reinstatements.

It is assumed a \$45.00 reinstatement fee will be assessed on these suspensions. This would result in an estimated increase in revenue of \$135,720 in Fiscal Years 2007 and 2008, and revenue of \$113,100 ($\$135,720 / 12 \times 10$) in FY06.

<u>FY 2006</u>	
5,800	Number of suspensions per year
x 52%	Percentage of reinstatements of these suspensions
3,016	Total number of suspensions estimated to be reinstated per year
<u>x\$45.00</u>	Amount of reinstatement fee
\$135,720	Total amount of reinstatement fees

DOR states these fees will be distributed to State Highway Funds and local governments as follows:

\$101,790	Highway Funds (75%)
\$ 20,358	Cities (15%)
<u>\$ 13,572</u>	Counties (\$10%)
\$135,720	

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this bill. 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 Department of Revenue to distribute to schools. Any increase in this money distributed to schools becomes a 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 with a proration factor of 1.00.

Officials from the **Parkway School District** assumes the proposal would not fiscally impact their agency.

ASSUMPTION (continued)

Officials from the **Columbia Public School District** project the proposal would add \$562,500 in personnel costs to their district.

Officials from **Nixa Public Schools** state the cost of time school districts will invest in “non-school related” incidents will increase greatly. Depending on the required new policies dealing with kids acting inappropriately off school property will take a lot more of the school district’s personnel time.

Oversight will range the fiscal impact to the local school districts from \$0 to an unknown cost.

Officials from **Kansas City Public Schools, Sedalia Public Schools, Springfield Public Schools** and **St. Louis Public Schools** did not respond to Oversight’s request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
GENERAL REVENUE FUND			
<u>Costs</u> – State Courts Administrator (CTS) Increased underage drinking actions	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
<u>Costs</u> - Department of Revenue Postage	(<u>\$4,667</u>)	(<u>\$5,600</u>)	(<u>\$5,600</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Could exceed <u>\$104,667</u>)	(Could exceed <u>\$105,600</u>)	(Could exceed <u>\$105,600</u>)
HIGHWAY FUNDS			
<u>Income</u> - Department of Revenue from reinstatement fees	<u>\$84,825</u>	<u>\$101,790</u>	<u>\$101,790</u>
ESTIMATED NET EFFECT TO HIGHWAY FUNDS	<u>\$84,825</u>	<u>\$101,790</u>	<u>\$101,790</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
LOCAL SCHOOL DISTRICTS			
<u>Cost</u> - to develop and implement the school policy on alcohol	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
CITIES AND COUNTIES			
<u>Income</u> - from state DOR from reinstatement fees	<u>\$28,275</u>	<u>\$33,930</u>	<u>\$33,930</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$28,275 TO (UNKNOWN)</u>	<u>\$33,930 TO (UNKNOWN)</u>	<u>\$33,930 TO (UNKNOWN)</u>

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal relates to underage drinking.

SECTION 160.069 - SCHOOL POLICY ON ALCOHOL - provides that every school district shall develop a policy by June 30, 2006, detailing the consequences that will result for a student at school if the student is found to be in possession or drinking alcohol either on or off school property.

SECTION 302.178 - DELAY IN RECEIVING LICENSE FOR MIP - prohibits a person, who receives a "minor in possession" (MIP) while under the age of sixteen, from receiving his or her intermediate driver's license at the age of sixteen. Instead, the person must wait six months before being able to get a license. He or she must still meet all of the requirements currently set out in this section in order to receive an intermediate driver's license after the six month waiting period.

SECTION 311.310 - OPEN HOUSE PARTIES - ALLOWING MINORS TO DRINK - Currently, this section states that any person except a parent or guardian who shall procure for,

DESCRIPTION (continued)

sell, or give away, or otherwise supply alcohol to minor is guilty of a misdemeanor. In addition to the current provisions, this act prohibits any owner, occupant, or other person or legal entity with a lawful right to the use and enjoyment of any property from knowingly allowing a minor to drink or knowingly failing to stop a minor from drinking on such property, unless the person is the minor's parent or guardian. It is a class A misdemeanor.

SECTION 311.325 - MINOR IN POSSESSION BY CONSUMPTION - Currently, this section provides that any person under the age of 21, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor is guilty of a misdemeanor. In addition to the current provisions, this act provides that a minor is guilty of a misdemeanor for a "minor in possession" if he or she is found to be visibly intoxicated or has a blood alcohol content of more than .02. Under this act, a minor can receive a "minor in possession" for purchasing, attempting to purchase, or possessing a controlled substance not otherwise authorized. Also, a minor can receive a MIP for being in a visibly intoxicated condition as a result of using a controlled substance.

SECTION 570.223 - MAKING AND SELLING FAKE IDs - Currently, a person who obtains the identity of another in order to obtain alcohol is not in violation of this section. This act does not change this provision. However, this act provides that any person who obtains, transfers, or uses any means of identification for the purpose of manufacturing and providing or selling a false identification card to a minor for the purpose of purchasing or obtaining alcohol is guilty of a Class A misdemeanor.

SECTION 577.500 - SUSPENSION OF A DRIVER'S LICENSE FOR AN MIP - Currently, this section requires a court to enter an order suspending or revoking the driving privileges of a person under the age of 21 for any alcohol related traffic offense or any offense involving the possession or use of alcohol committed while driving. The period of suspension for a first offense is 90 days and one year for subsequent offenses.

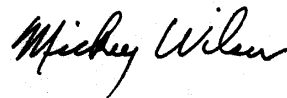
This proposal would provide that a court will enter an order suspending or revoking the driver's license of any person with a intermediate driver's license issued pursuant to Section 302.187, RSMo, for 30 days if he or she receives a "minor in possession" under Section 311.325, RSMo. Any second or subsequent offender will result in the revocation of the person's driving privileges for 90 days.

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 State Courts Administrator
Department of Elementary and Secondary Education
Department of Corrections
Department of Revenue
Department of Social Services
Department of Public Safety
Office of Prosecution Services
Office of the State Public Defender
Columbia Public Schools
Nixa Public Schools
Parkway Public Schools

NOT RESPONDING: Kansas City Public Schools, Sedalia Public Schools, Springfield Public Schools, St. Louis Public Schools.



Mickey Wilson, CPA
Director
March 14, 2005