

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0337-06
Bill No.: Perfected SS for SB 402
Subject: Children and Minors; Alcohol; Drugs and Controlled Substances; Crimes and Punishment; Drunk Driving/Boating.
Type: Original
Date: April 20, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)

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

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	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Labor and Industrial Relations, Department of Higher Education, Department of Social Services** and the **Department of Public Safety** each assume the proposal would not fiscally impact their respective agencies.

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.

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 easily be in excess of \$100,000.

ASSUMPTION (continued)

In response to a previous version of this proposal, officials from the **Office of the State Public Defender (SPD)** assumed 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

In response to a previous version of this proposal, officials from the **Department of Corrections (DOC)**, stated 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.

DOC could not 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 creates a two-year revocation of driving privileges for a person whose age is 16 years of age and under 21 years of age and have pled guilty or been convicted of an alcohol related traffic offense or any offense in violation of state, city or county law involving the possession or use of alcohol while operating a motor vehicle.

This proposal also creates a four-year revocation of driving privileges for a person whose age is 16 years of age and under 21 years of age and have pled guilty or been convicted of an alcohol related traffic offense or any offense in violation of state, city or county law involving the possession or use of alcohol while operating a motor vehicle.

ASSUMPTION (continued)

DOR assumes this proposal will require 1440 Hours of programming to internal automated systems and 250 hours for testing the program changes. This function will be performed with existing budgetary resources.

DOR assumes this substitute as amended will no longer generate revenue for the Highway Funds, as estimated in the original proposal.

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** and the **St. Louis Public Schools** each assume the proposal would not fiscally impact their agencies.

In response to a previous version of this proposal, officials from the **Columbia Public School District** projected the proposal would add \$562,500 in personnel costs to their district.

In response to a previous version of this proposal, officials from **Nixa Public Schools** stated 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** and the **Sedalia 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 – State Courts Administrator (CTS)</u> Increased underage drinking actions	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
LOCAL SCHOOL DISTRICTS			
<u>Cost - to develop and implement the</u> school policy on alcohol	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	\$0 TO <u>(UNKNOWN)</u>	\$0 TO <u>(UNKNOWN)</u>	\$0 TO <u>(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 substance abuse.

SECTION 160.069 - SCHOOL POLICY ON ALCOHOL - This act 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.

DESCRIPTION (continued)

SECTION 160.782 - REQUIRES DRUG TESTING FOR CONTRACTOR AND EMPLOYEES WORKING AT OR NEAR A SCHOOL - This act requires that any person, who provides construction services under contract within 2,000 feet of a school, college, or university must submit to a chemical drug test. The provisions of this section do not apply to a person who has submitted to a chemical drug test for an employer within 6 months of the beginning of construction and the results came back negative. This act establishes testing procedures and a verification process of the results.

SECTION 302.178 - DELAY IN RECEIVING LICENSE FOR MIP - This act prohibits a person, who receives a "minor in possession" 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 until age eighteen before being able to get a license. He or she must still meet all of the requirements currently set out in this section. The court will forward the order to the Department of Revenue.

SECTION 311.110 - OPEN HOUSE PARTIES - ALLOWING MINORS TO DRINK - Currently, this section states that any person, except a parent or guardian, who procures for, sells, or gives away, or otherwise supplies 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 or recklessly allowing a minor to drink or knowingly or recklessly failing to stop a minor from drinking on such property, unless the person is the minor's parent or guardian.

A person who knowingly violates these new provisions is guilty of a Class A misdemeanor while a person who recklessly violates these new provisions is guilty of a Class B 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.

DESCRIPTION (continued)

Under this act, if an arresting officer requests that a person under arrest submit to a chemical test for blood alcohol, such request must include the reasons for asking for the test. Also, the officer must inform the person that he or she may refuse such request but that such refusal may be used as evidence against him or her. If a person refuses, no test shall be administered. If a person refuses to submit to a chemical test under this section, such refusal may be admissible as evidence.

SECTION 311.722 - GUIDELINES FOR USE OF MINORS IN INVESTIGATIONS - This act prohibits the Supervisor of Alcohol and Tobacco Control from using minors to enforce the liquor laws unless he or she promulgates rules and regulations that establish standards for the use of minors. The permissive guidelines for the use of minors in investigations by a law enforcement agency must provide that the minor be eighteen or nineteen years of age.

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 second offense involving the possession or use of alcohol.

This act would modify the section so that the court must enter an order suspending or revoking the driving privileges of a person under the age of 21 for any offense involving the possession or use of alcohol, not just a second offense. The period of suspension for a first offense is 90 days. For any second or subsequent offense, the period of revocation is one year.

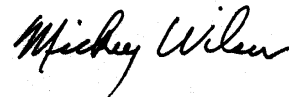
Under this act, the court must enter an order suspending the driving privileges of a person between the ages of sixteen and twenty-one for any alcohol related traffic offense or any offense involving the possession or use of alcohol committed while operating a motor vehicle for a period of two years for the first offense. For any second or subsequent offense, such person's driving privileges will be revoked for four years.

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 Higher Education
Department of Labor and Industrial Relations
Department of Public Safety
Office of Prosecution Services
Office of the State Public Defender
Columbia Public Schools
Nixa Public Schools
Parkway Public Schools
St. Louis Public Schools

NOT RESPONDING: Kansas City Public Schools, Sedalia Public Schools



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