

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1288-01
Bill No.: SB 254
Subject: Crimes and Punishment; Education, Elementary and Secondary; Elementary, High; Medical Procedures and Personnel
Type: Original
Date: March 11, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

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 6 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	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Office of Director and Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agency.

This proposal would not be expected to fiscally impact the operations of the **Department of Health and Senior Services**. If a fiscal impact were to result, funds to support the program would be sought through the appropriations process.

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 Social Services - Division of Youth Services (DOS)** assume it is difficult to estimate the number of youth who may be charged, under this provision, with possession or distribution of prescription drugs on school property. However, fewer than 2% of all youth referred to the juvenile and Family Courts for misdemeanor offenses are committed to the Division of Youth Services (DYS). Most misdemeanor offenses resulting in DHS commitments are related to assault or theft. DOS assumes any increase in commitments for these offenses will be negligible and can be absorbed within existing resources.

Officials from the **Office of Prosecution Services** assume the proposal would not have a
ASSUMPTION (continued)

significant direct fiscal impact on county prosecutors.

Officials from the **Office of the State Public Defender (SPD)** assume existing staff could provide representation for those few cases arising where indigent persons were charged with crimes of distribution and possession of a prescription medication without a valid prescription by a juvenile on public school grounds. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD 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)** assume the proposal, if passed into law, creates the crimes of distribution and possession of a prescription medication by a juvenile without a valid prescription on public school grounds. Penalty provisions for violations, the component of the bill to have potential fiscal impact for DOC, is for a class A misdemeanor.

The DOC 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 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 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 ASSUMPTION (continued)

factors remaining constant) reduces the cost to the state of funding the formula with a proration factor of 1.00.

Officials from the **Nixa School District** assume no significant increase in cost of time or money to school districts as a result of this proposed legislation.

Officials from the **Columbia and Kansas City Public Schools** anticipate no fiscal impact associated with this proposal.

Officials from the **Salisbury School District** assume no fiscal impact. Their district already has the authorized personnel on staff for the dispensing of medication. This proposal would also not require an increase of expenditures on their part for the policing of the possession of drugs since they already employ personnel to do this.

Oversight assumes the proposal creates new crimes. Although the new crimes could result in additional fines or penalties, Oversight assumes any additional fines or penalties to be minimal. Therefore, Oversight shows no impact to local school districts.

Officials from the **Saint Louis Public Schools** did not respond to a request for fiscal note.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<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

LMD:LR:OD (12/02)

This proposed legislation prohibits any person under the age of 21 from distributing prescription medication to any individual who does not have a valid prescription upon school property. For the purpose of this proposal, the term "prescription medication" does not include medication containing a controlled substance.

The proposal prohibits any person under the age of 21 from possessing prescription medication on school property without a valid prescription. The proposal does not apply to school personnel who are responsible for storing, maintaining, or dispensing medication or to emergency personnel, nor shall this proposal apply to the use of prescription medication by emergency personnel.

Any person who distributes prescription medication to a person without a valid prescription under this section shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for any second or subsequent offense. Any person who possesses prescription medication without a valid prescription under this section shall be guilty of a class C misdemeanor for the first offense and a Class B misdemeanor for any second or subsequent offense.

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

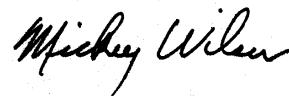
SOURCES OF INFORMATION

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Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Corrections
Department of Health and Senior Services
Department of Social Services
 Division of Youth Services
Department of Public Safety
 Office of Director
 Missouri State Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
School Districts
 Columbia
 Kansas City
 Nixa
 Salisbury

NOT RESPONDING

Saint Louis Public Schools



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