

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3256-05
Bill No.: HCS for SCS for SB 578
Subject: Cemeteries; Civil Rights; Crimes and Punishment; Funerals and Funeral
Directors; Military Affairs; Veterans.
Type: Original
Date: February 9, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Director's Office** and the **Missouri Veteran's Commission** each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version of this proposal, officials from the **Department of Corrections** assumed the proposal would not fiscally impact their agency.

In response to a previous version of this proposal, officials from the **Office of Prosecution Services** stated the proposal would not have a significant direct fiscal impact on county prosecutors, although it may lead to an increase in prosecutions/caseloads.

In response to a previous version of this proposal, officials at the **Office of State Public Defender (SPD)** stated they cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crime of protesting during a funeral service. This new crime will require more Public Defender resources.

ASSUMPTION (continued)

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further extend resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

In response to a similar proposal (HB 1026), officials from the **St. Joseph Police Department** stated the legislation should have no fiscal impact to their agency, however, 300 feet may not be sufficient to prevent the disruption of a funeral.

Officials from the **Buchanan County Sheriff's Office** and the **Platte County Sheriff's Office** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2007	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007	FY 2008	FY 2009
	<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

This proposal makes it unlawful for any person to engage in protest activities within 300 feet of any church, cemetery or funeral establishment within one hour prior to the commencement of any funeral service, and until one hour following the cessation of the service. First violations are punishable as a Class B misdemeanor and subsequent violations are punishable as a Class A misdemeanor. This proposal shall be known as "Spc. Edward Lee Myers' Law".

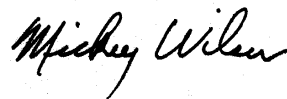
This proposal contains an emergency clause.

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

Department of Public Safety
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections
Office of the State Courts Administrator
St. Joseph Police Department

NOT RESPONDING: Buchanan County Sheriff, Platte County Sheriff



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Director
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