

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4760-01
Bill No.: SB 1028
Subject: Drugs and Controlled Substances; Crimes and Punishment
Type: Original
Date: March 24, 2006

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|------------------------------|------------------------------|------------------------------|
| FUND AFFECTED | FY 2007 | FY 2008 | FY 2009 |
| General Revenue | (Less than \$100,000) | (Less than \$100,000) | (Less than \$100,000) |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | (LESS THAN \$100,000) | (LESS THAN \$100,000) | (LESS THAN \$100,000) |

| 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, Office of Prosecution Services, Department of Mental Health, Office of State Courts Administrator**, and the **Missouri State Highway Patrol** assume this proposal would not fiscally impact their agencies.

Officials from the **Department of Health and Senior Services (DOH)** assume this proposal would not fiscally impact the operations of the DOH. DOH states if a fiscal impact were to result, funds to support the program would be sought through the appropriations process.

Officials from the **Department of Corrections (DOC)** state currently, the DOC cannot predict the number of new commitments which would 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.

DOC states if additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational cost either through incarceration (FY05 average of \$39.13 per inmate, per day or an annual cost of \$14,282 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average

ASSUMPTION (continued)

of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

DOC states supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Officials from the **State Public Defender** did not respond to our fiscal note request.

| | | | |
|---|---------------------|---------|---------|
| <u>FISCAL IMPACT - State Government</u> | FY 2007 (10 Mo.) | FY 2008 | FY 2009 |
|---|---------------------|---------|---------|

GENERAL REVENUE

| | | | |
|--|----------------------------------|----------------------------------|----------------------------------|
| <u>Costs - Department of Corrections</u> | | | |
| Program costs | <u>(Less than \$100,000)</u> | <u>(Less than \$100,000)</u> | <u>(Less than \$100,000)</u> |

| | | | |
|--|---|---|---|
| ESTIMATED NET EFFECT ON GENERAL REVENUE | <u>(LESS THAN \$100,000)</u> | <u>(LESS THAN \$100,000)</u> | <u>(LESS THAN \$100,000)</u> |
|--|---|---|---|

| | | | |
|---|---------------------|------------|------------|
| <u>FISCAL IMPACT - Local Government</u> | FY 2007 (10 Mo.) | 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 would add substances to the list of controlled substances in Schedule IV and Schedule V.

This proposal would make it a crime to commit a fraudulent act to falsify or defraud a drug or alcohol test. Such crime is a class C felony.

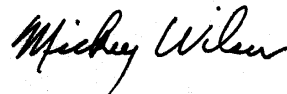
Under this proposal, it is a crime to manufacture, possess, sell, distribute, or market a biological sample or to transport such a sample with the intent of using the sample to defraud a drug or alcohol test. This proposal also makes it a crime to manufacture, sell, distribute, or market substances that are intended to be used to adulterate a biological sample in order to defraud a drug or alcohol test. Such crimes are Class A misdemeanors.

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 -
Director's Office
Office of Prosecution Services
Department of Mental Health
Office of State Courts Administrator
Missouri State Highway Patrol
Department of Health and Senior Services
Department of Corrections

NOT RESPONDING: State Public Defender



Mickey Wilson, CPA
Director
March 24, 2006