

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0635-09
Bill No.: HCS for SS for SCS for SB 429
Subject: Victims of Crime, State Attorney General; Highway Patrol; Crimes and
Punishment; Department of Corrections; Law Enforcement Officers and Agencies
Type: Original
Date: May 4, 2007

Bill Summary: The proposal modifies various provisions relating to crime.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(More than \$1,496,540 to More than \$3,648,560)	(More than \$1,068,436 to More than \$3,728,333)	(More than \$1,187,894 to More than \$3,827,588)
Total Estimated Net Effect on General Revenue Fund	(More than \$1,496,540 to More than \$3,648,560)	(More than \$1,068,436 to More than \$3,728,333)	(More than \$1,187,894 to More than \$3,827,588)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 37 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
State School Moneys	\$0	\$0	\$0
Criminal Records	\$2,868,333	\$3,442,000	\$3,787,500
Crime Victims' Compensation	\$0 to (More than \$2,152,020)	\$0 to (More than \$2,659,897)	\$0 to (More than \$2,739,694)
Department of Health and Senior Services Document Services	\$3,605	\$3,713	\$3,824
Reverend Nathaniel Cole Memorial Pursuit Reduction Grant	\$0	\$0	\$0
Various State Funds	\$0 to (36,720)	\$0 to (36,720)	\$0 to (36,720)
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$683,198 to \$2,871,938	Less than \$749,096 to \$3,445,713	Less than \$1,014,910 to \$3,791,324

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	9	9	9
Total Estimated Net Effect on FTE	9	9	9

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Administrative Hearing Commission, Coordinating Board for Higher Education, Department of Transportation, Department of Insurance, Financial Institutions, and Professional Registration, Department of Public Safety – Missouri State Water Patrol, – Division of Fire Safety, – Division of Alcohol and Tobacco Control, Department of Conservation, Springfield Police Department, University of Central Missouri, and the Police Retirement System of St. Louis** assume the proposal would have no fiscal impact on their agencies.

ASSUMPTION (continued)

Officials from the **Office of the Attorney General (AGO)** assume the costs of these new duties can be absorbed within existing resources. The AGO may also update its publications relating to crime victims rights should this proposal be adopted. AGO assumes it could absorb the costs of any additional criminal appeals generated from the other criminal law proposals. To the extent the implementation of the prescription monitoring program results in a significant number of new referrals to the AGO in the areas of Medicaid fraud or other possible criminal activity, AGO may seek necessary appropriations to handle the increase in workload.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. 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 DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the 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.

Officials from the **Department of Corrections (DOC)** assume this proposed legislation modifies various crime provisions. The penalty provision component of the bill resulting in potential fiscal impact for the DOC, is for both enhancements of existing crimes and creations of new crimes.

Currently, the 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 either through incarceration (FY06 average of \$39.43 per inmate, per day or an annual cost of \$14,394 per inmate) or through supervision provided by the Board of Probation and Parole (FY06 average of \$2.52 per offender, per day or an annual cost of \$920 per offender).

ASSUMPTION (continued)

In summary, supervision by the DOC through incarceration or probation would result in additional costs and although the exact fiscal impact is unknown, it is estimated that potential costs will be in excess of \$100,000 per year.

Officials from the **Office of the Secretary of State (SOS)** assume the proposal requires the Department of Transportation, Missouri State Highway Patrol, Department of Higher Education, Department of Social Services, Department of Health and Senior Services, Office of the Secretary of State, Department of Public Safety, and POST to promulgate rules. These rules will be published by the Administrative Rules Division in the Missouri Register and the Code of State Regulations. Based on experience with other divisions, the rules, regulations and forms issued by the various agencies could require as many as 94 pages in the Code of State Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register as in the Code because cost statements, fiscal notes and the like are not repeated in the Code. These costs are estimated. The estimated cost of a page in the Missouri Register is \$23.00. The estimated cost of a page in the Code of State Regulations is \$27.00. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed. SOS – Administrative Rules estimates the total cost of the proposal to be \$5,781 in FY 08 and Unknown in subsequent years.

§§43.530 – 45.457 – Background Screenings

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the following fiscal impact from this part of the proposal:

	<u>CY 2006</u>			<u>FY 2008</u>
Background Checks	60,258	x	\$4	\$241,032
Fingerprint Checks	47,273	x	\$1	\$ 47,273
Total	107,531			\$288,305

Assuming the level of background checks and fingerprint searches remains level, and assuming the fee increases by \$1 per annum as allowed in the proposal, the fiscal impact may be computed as follows:

ASSUMPTION (continued)

FY 2008		Increase	=	FY 2009		Increase	=	FY 2010
\$241,032	+	\$60,258	=	\$301,290	+	\$60,258	=	\$361,548
<u>\$ 47,273</u>	+	<u>\$ 0</u>	=	<u>\$ 47,273</u>	+	<u>\$ 0</u>	=	<u>\$ 47,273</u>
\$288,305		\$60,258		\$348,563		\$60,258		\$408,821

In summary, DESE assumes an increase in cost to local school districts of \$288,305 in FY 2008, \$348,563 in FY 2009 and \$408,821 in FY 2010.

Officials from the **Department of Mental Health (DMH)** assume a “requesting entity” could include DMH community providers which would result in an increased cost to those providers.

Officials from the **Department of Natural Resources (DNR)** assume this proposal does not specifically speak to who would be responsible for costs of the background checks. Therefore, for purposes of this fiscal note, DNR assumes this proposal would not result in a significant direct fiscal impact to the department.

Officials from the **Department of Social Services – Division of Youth Services** estimated that at least 500 background checks will be required to fill vacancies. The division assumes an average of 25% due to job offers declined, disqualifying findings, and need to conduct multiple checks prior to making an offer.

Based on the provision that fingerprinting would be \$20 per applicant, the division assumed the cost of fingerprint checks for its new hires to be between \$8,330 and \$10,000 during the first three years.

Officials from the **Department of Social Services – Human Resource Center** stated the language appears to make conducting fingerprint background checks an option, rather than mandatory. It also appears that we could require the applicant/employee to pay the cost for the check. For those reasons, a fiscal impact could not be determined at this time.

Officials from the **Department of Social Services – Children’s Division (CD)** stated they now perform name checks for all employees. Should CD opt to require fingerprint checks, the cost would be \$7,340 based on the turnover rate in these positions. However, since the fingerprint check is optional, CD showed the cost as a range from \$0 to \$7,340.

ASSUMPTION (continued)

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MSHP)** state the proposed legislation would modify the fees and requirements for receipt of a criminal history record information from the Missouri State Highway Patrol. Based on the average number of record checks in the last two years, the increase of \$1 per name check starting in 2010 will increase the yearly income into the Criminal Records Fund by an additional \$691,000 each year until the \$15 maximum is reached in 2015.

Regarding §43.546 RSMo

The Criminal Records and Identification Division of the Missouri State Highway Patrol estimate that there are approximately 60,000 state employees with an approximate turnover rate of 17% per year. $60,000 \times 17\% = 10,200$ employees.

It is estimated that 15% or less, of those 10,200 employees would be in occupations that would require fingerprint checks. $10,200 \times 15\% = 1,530$ employees.

State processing fingerprint fees are \$14 (waived for state employees)

The FBI processing fingerprint fees are \$24, however \$2 is retained in the Criminal Records Fund as administrative fee.

$1,530 \text{ employees} \times \$22 = \$33,660$ (passed – through to the FBI)

$1,530 \text{ employees} \times \$2 = \$3,060$ (retained in the Criminal Records System Fund as administrative fee).

Regarding §43.530 RSMo

The average number of name checks for the prior two fiscal years is 691,000

The average number of fingerprint checks for the prior two fiscal years is 113,000

FY 08

Fiscal year fees under the old fee schedule would be:

Name $691,000 \times \$5 = \$3,455,000$

Fingerprint $113,000 \times \$14 = \$1,582,000$

Total = \$5,037,000

ASSUMPTION (continued)

Fiscal year fees with the proposed increase would be:

Name 691,000 x \$9 = \$6,219,000

Fingerprint 113,000 x \$20 = \$2,260,000

Total = \$8,479,000

The FY 08 increase would be \$3,442,000 (\$8,479,000 - \$5,037,000)

\$3,442,000 divided by 12 months x 10 months = \$2,868,333

FY 09

The calculated fiscal year fees with the proposed increase would be:

Name 691,000 x \$9 = \$6,219,000

Fingerprint 113,000 x \$20 = \$2,260,000

Total = \$8,479,000

The FY 09 increase would be \$3,442,000 (\$8,479,000 - \$5,037,000)

FY 10

Name 691,000 x \$9.50 = \$6,564,500

Fingerprint 113,000 x \$20 = \$2,260,000

Total = \$8,824,500

The FY 10 increase would be \$3,787,500 (\$8,824,500 - \$5,037,000)

Because the rate will increase from \$9 to \$10 on 1/1/10, the fee for half the fiscal year will be at \$9 and the other half at \$10. MSHP assumes that the checks will be spread evenly throughout the year, so they are using \$9.50 as an average for the year.

Regarding §43.547 RSMo

The Highway Patrol assumes no more than 50 gubernatorial appointees during an election year and less during off years.

State processing fingerprint fees are \$14 (waived at the current time for state employees). FBI processing fingerprint fees are \$24 (pass-through fees to the FBI).

50 appointees x \$24 = \$1,200 (pass-through fees to the FBI, i.e., not retained in the Criminal Records System fund). Because this amount is so small, this section of the proposed legislation is being treated as "no impact."

ASSUMPTION (continued)

Regarding §43.115 RSMo

The MSHP assumes an unknown to under \$100,000 fiscal impact on this proposed legislation. The MSHP does not currently track, nor do they have a way to track how many retired employees perform as witnesses in official court proceedings. The MSHP assumes the new appropriation will be General Revenue funds.

Oversight assumes the provisions allowing state agencies to require fingerprinting of applicants and criminal history records checks are permissive. Therefore, Oversight has ranged the cost from \$0 to \$36,720 per fiscal year to various state funds.

Oversight assumes the MHP will continue to waive the name background check fees to state agencies.

§50.565 – County Law Enforcement Restitution Fund

Officials from the **Office of State Courts Administrator (CTS)** assume this section would allow the court to order a person to pay into the county law enforcement restitution fund for a moving violation. Traffic cases are technically misdemeanors, and if as an alternative to a traffic conviction, a defendant can get a suspended sentence for payment into the county law enforcement restitution fund, the potential volume could be in the thousands of cases.

If cases that would otherwise have resulted in a conviction are shifted to a suspended imposition or execution of sentence, it is likely to result in the loss of revenue from fines to the schools, crime victims' compensation, law enforcement training, and other earmarked funds. Currently, the total cost for a traffic ticket stands at \$56.50. This proposal would significantly increase the cost of those tickets where the fee was assessed.

§84.160 – Compensation for Certain St. Louis Metropolitan Police Department Officers

In response to a similar proposal from the current session (HB 556, LR # 1187-01), officials of the **St. Louis Metropolitan Police Department – Director of Budget and Finance** stated at the minimum this proposal would cost the department another \$500,000 annually.

Officials from the **St. Louis Police Retirement System** stated that overtime is not a part of pension wages and this proposal would not impact the retirement system.

ASSUMPTION (continued)

Oversight assumes the allowed compensation for overtime is mandatory and will show fiscal impact as \$500,000. Oversight assumes the \$500,000 estimate was the minimum costs estimated.

§191.225 – Forensic Exams for Victims of Sexual Offenses

Officials from the **Department of Health and Senior Services (DHSS)** did not respond to Oversight's request for fiscal impact. However, in response to a previous version of the proposal (SS for SCS for SB 429, LR # 0635-07), officials assumed DHSS shall pay the appropriate charges for forensic examinations. DHSS will no longer pay for medical examinations for victims of sexual assault, but will pay for the costs associated with a forensic exam regardless of private insurance, Medicaid or Medicare.

DHSS will pay for forensic examinations of all persons who may be victims of a sexual offense at the average cost of the exam rather than the Medicaid reimbursement rate for the exam. Forensic examinations will be needed for all emergency room patients with ICD-9-CM codes for rape, observation for possible rape, child sexual abuse or suspected abuse. To determine the estimated number of examinations that would be reimbursed, DHSS used emergency room data to estimate the annual number of sexual assault forensic examinations. In 2005, there were 2,314 emergency room reports of rape, possible rape, child sexual abuse or suspected abuse (last available MICA data). According to the Department of Justice, the average cost of a SAFE exam is \$1,116. $2,314 \text{ emergency room examinations} \times \$1,116 \text{ per exam} = \$2,582,424$. Current funding (\$72,675) will pay for approximately 65 exams. DHSS will need \$2,509,739 in additional funding to pay for an additional 2,249 exams ($\$2,582,424 - \$72,675 = \$2,509,739$).

In addition to costs for forensic examinations, DHSS will also pay for printing the rape checklist. The Missouri State Highway Patrol orders approximately 4,500 rape kits a year. Therefore, DHSS would need to supply 4,500 copies of the rape checklist per year. The cost to print rape checklist on a 8 x 11.5 document (4,500 copies, 1 for each rape kit) is \$113.

DHSS will also need one additional FTE (Health Program Representative I-HPR I) to carry out the daily administration of the examination payments.

This legislation also specifies, "if the victim is an eligible claimant under the crime victims' compensation fund, the appropriate medical provider shall seek compensation under sections 595.010 to 595.075, RSMo." According to Chapter 595, RSMo, in order for a victim to be eligible for compensation from the crime victims' compensation fund, the victim must:

ASSUMPTION (continued)

- Report the crime to the proper law enforcement agency within 48 hours after the occurrence or with minors, within 48 hours of the discovery of the crime; there is a delayed for good cause clause;
- cooperate with law enforcement;
- have no contributory conduct; and
- have no more than one felony conviction involving drugs and violence within the last ten years.

The Crime Victims' Compensation fund administered by the Department of Labor and Industrial Relations will pay for medical services and any other related services (such as time off from work for court time, counseling fees, etc.) if the victim has applied for the fund and is found to be eligible.

Oversight has, for fiscal note purposes only, changed the starting salary for the Health Program Representative I to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

Oversight assumes the FTE Health Program Representative will be housed in existing Department of Health and Senior Services facilities. Therefore, Oversight has eliminated the rent and other facilities costs from the DHSS estimates.

Oversight assumes medical providers could receive compensation under the crime victims' compensation fund if the victim is an eligible claimant. Oversight has ranged the cost of forensic examinations for the general revenue and crime victims' compensation funds as \$0 to \$2,582,424 per fiscal year, as Oversight has no data to indicate the number of victims that would be eligible claimants under the crime victims' compensation fund.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume, based on the number of sexual assault incidents that are reported annually, they would provide 5,000 kits per year. MHP estimates the cost of a sexual assault kit to be \$3.72, for a total cost of approximately \$18,600 per year.

ASSUMPTION (continued)

In response to a similar proposal from the 2005 Session (Perfected HCS for HB 1317, LR # 3678-04), MHP officials stated they presently purchase 4,154 sexual assault evidentiary collection kits annually.

Oversight assumes the Missouri State Highway Patrol would continue to purchase approximately 4,154 sexual assault evidentiary collection kits annually.

§§195.378 – 195.399 – Drug Monitoring Act

Officials from the **Department of Health and Senior Services (DHSS)** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal (HCS #2 for HB 406 & 726, LR # 0998-06), officials assumed this part of the bill will create a prescription drug monitoring program for controlled substances. The program will establish a database for controlled substance prescription information submitted by licensed pharmacies and dispensing practitioners in the department of health and senior services. Using this database, requests for reports will be submitted to the DHSS by practitioners, pharmacies, state regulatory agencies and law enforcement. Patients will also be able to request a report of their own controlled substance use. In addition, this database will be used to support activities in enforcement of state controlled substance laws by the Bureau of Narcotics and Dangerous Drugs, where the program will be housed.

Past fiscal note estimates for proposed legislation filed in previous legislative sessions to create a prescription monitoring program were based upon the experience of other states. Over the past several years, there have been an increasing number of states either with enabling legislation in place to create a prescription monitoring program or with active prescription monitoring programs in place. As a result, there is also increased competition among vendors providing services and support.

Information related to prescription monitoring program vendor contract information was sought and obtained related to other states with active prescription monitoring programs. The information obtained reflects costs associated with contracts with one vendor. Based upon the competitive nature of these contracts, it is assumed for the purposes of this fiscal note that costs for implementing such a program in Missouri would be similar to the cost information obtained.

ASSUMPTION (continued)

Vendor Cost Information for Implementation of a Prescription Monitoring Program:

Program manager (database building, data management)	\$105,000
Power search (reporting capabilities)	\$150,000
Web center (requests and provision of reports to practitioners)	\$ 96,000
State specific customization (10% of costs noted above)	\$ 35,000
Pseudoephedrine sales tracking program (optional)	<u>\$105,000</u>
Subtotal	\$491,000
Collection of data from dispensers	\$120,000
Implementation and training (one time cost)	<u>\$ 35,000</u>
Total	<u>\$646,000</u>

ITSD needs:

3 Servers, MSSQL Server License (database), SSL Certificate (for encryption), Staff time, and Crystal Decisions Crystal Reports - Developer Edition V9.0 for a cost of \$62,000.

Implementation costs: $\$646,000 + \$62,000 = \$708,000$

The U.S. Department of Justice, Bureau of Justice Assistance has announced the availability of implementation grants to assist states in implementing prescription monitoring programs. An application will be submitted for a maximum of \$400,000 in one time grant monies in response to this competitive grant announcement. Subsequent grant monies may be available for enhancements to the program. Since we are not assured of receiving these grant funds, this amount has not been included in the fiscal note worksheet.

On-going, annual costs of the program:

These costs were estimated to be

Approximately 20% of the \$491,000 vendor implementation costs, plus \$120,000 annual cost for collection of data from dispensers, or

$$\$491,000 \times 0.20 = \$ 98,200$$

$$\$ 98,200 + \$120,000 = \$218,200$$

Approximately one-third of the initial cost of ITSD hardware and software needs, or

$$\$ 62,000/3 = \$ 21,000$$

$$\$218,200 + \$ 21,000 = \$239,200$$

Staffing for the Bureau of Narcotics and Dangerous Drugs:

One Health and Senior Services Manager (1) will be needed to perform the following duties:

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ASSUMPTION (continued)

- Develop grant requests for DEA funds and prepare required reporting based on the conditions of any grant received;
- Draft a Request for Proposal to solicit bids for the required database. Once the contract is awarded, this individual will be needed on an ongoing basis to monitor the database contract and program, maintain ongoing communication with professional organizations regarding compliance with reporting requirements, and other state and local agencies and the public regarding the program;
- Coordinate with investigative management of the BNDD for enforcement activities and with law enforcement and regulatory agencies of this and other states for sharing data and tracking outcomes;
- Develop policies and procedures for reporting by dispensers, access to data by authorized parties; provide technical assistance to program participants on matters relating to the program;
- Supervise subordinate staff involved in program implementation; and
- Design and prepare reports of program data; and review data collected to determine trends.

It may be possible to include many of these functions in the vendor contract, or to require the vendor to provide staffing for those functions as part of the vendor contract. This would increase initial and ongoing costs related to this contract. The salary included for the broad-band manager position is equivalent to entry level plus two steps.

ASSUMPTION (continued)

One Office Support Assistant (keyboarding), would be necessary to provide clerical support to the program and to respond to inquiries and requests for database reports received. This individual will perform coordination of communication with other agencies and the public and maintenance of memoranda of understanding for data sharing; assist practitioners in obtaining access to the reporting subsystem of the program and generate and e-mail, or generate, print and fax reports as requested by authorized individuals and agencies that cannot access this information via the internet. This individual will also be responsible for responding to routine telephone inquiries regarding the program. A New Decision Item has been submitted for an on-line registration process for the Bureau of Narcotics and Dangerous Drugs. Should this request be funded, a portion of the duties of existing staff might be shifted to eliminate the need for one new FTE. The salary included for the Office Support Assistant is two-steps above entry level.

§§302.311, 302.750 – Prosecutor Can No Longer Appear for Department of Revenue

Officials from the **Department of Revenue (DOR)** assume they would require three FTE Legal Counsels (each at \$41,424 per year) and one FTE Office Support Assistant (at \$22,428 per year). The Legal Counsels will be responsible for appearing in court on chemical refusals. DOR estimates the total cost of these sections to be \$206,662 in FY 08, \$236,992 in FY 09, and \$244,102 in FY 10.

Oversight assumes the Department of Revenue would house the four FTE within existing facilities. Therefore, Oversight has reduced the DOR's cost estimates to eliminate the cost of floor space for the FTE.

§§306.111 & 306.112 – Jurisdiction of the Missouri State Water Patrol

Officials from the **Office of State Courts Administrator (CTS)** assume these sections would increase the jurisdiction of the Water Patrol to include any water of the state, rather than only the Mississippi River, Missouri River, or the lakes of this state. In addition, a person commits the crime of operating a vessel with excessive blood alcohol content (BAC) if such person operates a vessel with a BAC of .08 rather than .10.

CTS assumes some cases may become protracted. Depending on the degree of enforcement, there could be a significant increase in the number of cases filed. However, CTS has no way of estimating that increase. Any significant increase would be reflected in future budget requests.

ASSUMPTION (continued)

§§306.114, 306.117, 577.020, 577.026, 577.037 and 577.208;

In response to a similar proposal (HCS # 2 for HB 406 & 726, LR # 0998-06), officials from the **Department of Transportation (MoDOT)** assumed there will be no fiscal impact to MoDOT. MoDOT assumes that all cost to administer the program will be paid from the General Revenue Fund. MoDOT concurs with Department of Health and Senior Services on the fiscal impact to General Revenue.

Officials from the **Department of Health and Senior Services (DHSS)** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal (HCS # 2 for HB 406 & 726, LR # 0998-06), officials assumed a savings of \$108,748 General Revenue and \$3,500 from the DHSS Document Services Fund with the program transferred to MoDOT. DHSS is assuming that MoDOT will be showing this transfer as a cost in their response to this fiscal note, resulting in an overall zero impact on revenues and expenditures.

Personal Service

\$37,896 - 1 Sr. Public Health Lab Scientists (GR)
\$24,684 - 1 Sr. Office Support Assistant, Keyboarding (GR)
\$62,580 - Total PS (GR)

Fringe Benefits

$\$62,580 \times 45.26\% = \$28,323.71$

Expense and Equipment

\$4,000 Travel (GR)
\$7,744 Supplies (\$4,244 GR, \$3,500 Document Services)
\$7,000 Maintenance and Repair (GR)
\$2,600 Professional Development (GR)
\$21,344 Total E&E (\$17,844 GR, \$3,500 Document Services)

Oversight assumes the savings realized by DHSS will be a cost realized by MoDOT since the program is being transferred from one agency to another.

ASSUMPTION (continued)

§566.226 – Closed Records Identifying Victims of Certain Sexual Offenses

Officials from the **Office of State Courts Administrator (CTS)** assume this section would require information that could be used to locate or identify a victim be redacted from court records. There will be some, unknown impact on the workload of the courts. Any significant increase would be reflected in future budget requests.

§577.016 – Impound Motor Vehicles in DWI or Excessive BAC Convictions

Officials from the **Office of State Courts Administrator (CTS)** assume this section would allow the court to impound the vehicle driven by a person convicted of driving while intoxicated or excessive BAC. Because of omissions in the bill (nowhere does it provide for who will actually process and facilitate the impoundment), CTS is unable to provide a fiscal analysis on this section at this time.

Oversight assumes Office of State Courts Administrator (CTS) could absorb the cost of this section within existing resources. Any significant increase would be reflected in future budget requests.

§§589.660 – 589.683 – Address Confidentiality Program

Officials of the **Office of Secretary of State - Business Services Division (SOS)** state this proposal creates an address confidentiality program to protect victims of domestic violence by authorizing the use of designated addresses for such victims and their minor children. The program would be administered by the SOS. For approved applicants the SOS would forward first-class mail, legal documents, and certified mail to the appropriate program participants. Participants must apply for renewal every four years.

The SOS estimate they would need a program manager, and computer equipment and office furniture for the manager. Travel and training resources would be required to travel to and train personnel in the various counties throughout the state on the proper procedures for certifying someone for the program. Postage and envelopes would be required to forward the mail to the participants. A database to track and maintain renewal information would be required.

The SOS contacted other states (Washington, Nebraska, Montana, & Maine) who indicated a range of start up costs consistent with the costs required to implement this program in Missouri. The number of participants is unknown.

ASSUMPTION (continued)

SOS estimates that they would need 1 FTE, a Program Manager (at \$48,000 per year), and would need other equipment and expense. SOS estimates the cost to be \$180,952 in FY 08, \$168,386 in FY 09, and \$174,593 in FY 10.

§595.031 – Shawn Hornbeck Education Reimbursement Program

Officials from the **Department of Labor and Industrial Relations (DOLIR)** assume the proposal gives the responsibility to the Crime Victims' Compensation program to pay benefits for academic tutoring for persons who have been kidnapped. The current statutory sections governing Crime Victims' Compensation place a limit of \$25,000 on reimbursement to any eligible crime victim. This new proposal states that the benefit in the case of a kidnapping would be "in an amount equal to the actual loss sustained." The DOLIR is unable to determine how many cases there will be as a result of this proposal and what the cost of each case will be. The loss for some cases could be greater than the \$25,000 limit currently in force and could create a significant financial burden on the Crime Victims' Compensation Fund.

§650.470 – Reverend Nathaniel Cole Memorial Pursuit Reduction Grant

Officials from the **Department of Public Safety – Director's Office (DPS)** assume the addition of this grant program adds administrative costs which DPS is unable to determine at this time as they cannot determine the amount of the appropriation, the number of grants to be processed, and the costs associated with real-time tagging and tracking pursuit management systems.

Officials from the **Office of the State Treasurer (STO)** state their agency only ensures the disbursements are made from a lawful appropriation and don't exceed the amount of the appropriation. The STO suggest the following wording change: "The state treasurer shall be custodian of the fund. In accordance with Sections 30.170 and 30.180 RSMo, the state treasurer may approve disbursements."

If the wording isn't changed, the STO will need an FTE (Accounting Specialist I - \$39,324 plus \$17,762 fringe = \$57,086) to monitor these disbursements. (This will be allocated proportionately as a retention of interest earnings on state funds in accordance with Section 30.605 RSMo).

This proposal could increase Total State Revenues.

Officials from the Department of Health and Senior Services, Office of Prosecution Services, and the Office of the State Public Defender did not respond to Oversight.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
GENERAL REVENUE FUND			
<u>Savings</u> – Reduced appropriation to the State School Moneys Fund – reduction in next year from increase in fine revenue to local school districts (various sections)			
	\$0	Unknown	Unknown
<u>Savings</u> – Department of Health and Senior Services (§§306.114, 306.117, 577.020, 577.026, 577.037 & 577.208)			
Personal Services	\$61,775	\$63,629	\$65,537
Fringe Benefits	\$27,959	\$28,798	\$29,662
Expense and Equipment	<u>\$17,844</u>	<u>\$18,379</u>	<u>\$18,930</u>
<u>Total Savings</u> – DHSS	\$107,578	\$110,806	\$114,129
FTE Change – DHSS	(2 FTE)	(2 FTE)	(2 FTE)
<u>Costs</u> – MoDOT (§§306.114, 306.117, 577.020, 577.026, 577.037 & 577.208)			
Personal Service	(\$61,775)	(\$63,629)	(\$65,537)
Fringe Benefits	(\$27,959)	(\$28,798)	(\$29,662)
Expense and Equipment	<u>(\$17,844)</u>	<u>(\$18,379)</u>	<u>(\$18,930)</u>
<u>Total Costs</u> – MoDOT	(\$107,578)	(\$110,806)	(\$114,129)
FTE Change – MoDOT	2 FTE	2 FTE	2 FTE
<u>Costs</u> – Department of Corrections (various sections)			
Incarceration/probation costs	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<u>Costs</u> – Missouri State Highway Patrol			
Reimbursement for retired MHP for testifying in courts (§43.115)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Sexual Assault Kits (§191.225)	<u>(\$18,600)</u>	<u>(\$19,158)</u>	<u>(\$19,733)</u>
<u>Total Costs</u> – MSHP	(Less than \$118,600)	(Less than \$119,158)	(Less than \$119,158)

Costs – Department of Health and Senior Services

Personal Service (§191.225)	(\$22,598)	(\$27,931)	(\$28,769)
Fringe Benefits (§191.225)	(\$10,228)	(\$12,642)	(\$13,021)
Equipment and Expense (§191.225)	(\$10,185)	(\$4,178)	(\$4,303)
Forensic Examinations (§191.225)	\$0 to	\$0 to	\$0 to
	(\$2,152,020)	(\$2,659,897)	(\$2,739,694)
Personal Service (§§195.378 – 195.399)	(\$50,316)	(\$62,190)	(\$64,056)
Fringe Benefits (§§195.378 – 195.399)	(\$22,773)	(\$28,147)	(\$28,992)
Expense and Equipment (§§195.378 – 195.399)	(\$26,029)	(\$19,929)	(\$20,528)
Program Costs (§§195.378 – 195.399)	<u>(\$708,000)</u>	<u>(\$239,200)</u>	<u>(\$239,200)</u>
<u>Total Costs – DHSS</u>	(\$850,129 to \$3,002,149)	(\$394,217 to \$3,054,114)	(\$398,869 to \$3,138,563)
FTE Change – DHSS	3 FTE	3 FTE	3 FTE

Costs – Department of Revenue

Personal Service (§§302.311, 302.750)	(\$125,918)	(\$155,634)	(\$160,303)
Fringe Benefits (§§302.311, 302.750)	(\$56,990)	(\$70,440)	(\$72,553)
Equipment and Expense (§§302.311, 302.750)	<u>(\$14,921)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs – Department of Revenue</u>	(\$197,829)	(\$226,074)	(\$232,856)
FTE Change – DOR	4 FTE	4 FTE	4 FTE

Costs – Office of the Secretary of State (§§589.660 – 589.683)

Personal Service	(\$41,200)	(\$50,923)	(\$52,451)
Fringe Benefits	(\$18,647)	(\$23,048)	(\$23,739)
Equipment & Expense	<u>(\$121,105)</u>	<u>(\$94,415)</u>	<u>(\$98,403)</u>
<u>Total Costs – SOS</u>	(\$180,952)	(\$168,386)	(\$174,593)
FTE Change – SOS	1 FTE	1 FTE	1 FTE

Costs – Office of the State Treasurer
 (STO) (§650.470)

Personal Service	(\$33,753)	(\$41,719)	(\$42,970)
Fringe Benefits	(\$15,277)	(\$18,882)	(\$19,448)
Expense and Equipment	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs – STO</u>	(\$49,030)	(\$60,601)	(\$62,418)
FTE Change – STO	1 FTE	1 FTE	1 FTE

Costs – Department of Public Safety
 Administrative costs for grant
 (§650.470)

(Unknown)	(Unknown)	(Unknown)
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Transfers Out – to the Reverend
 Nathaniel Cole Memorial Pursuit
 Reduction Grant Fund (§650.470)

<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**EESTIMATED NET EFFECT ON
 GENERAL REVENUE FUND**

<u>(More than</u> <u>\$1,496,540 to</u> <u>More than</u> <u>\$3,648,560)</u>	<u>(More than</u> <u>\$1,068,436 to</u> <u>More than</u> <u>\$3,728,333)</u>	<u>(More than</u> <u>\$1,187,894 to</u> <u>More than</u> <u>\$3,827,588)</u>
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Estimated Net FTE Change for General
 REvenue Fund

9 FTE	9 FTE	9 FTE
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STATE SCHOOL MONEYS FUND

<u>Savings</u> – Reduced distributions to school districts as a result of the increased fine revenue	\$0	Unknown	Unknown
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<u>Losses</u> – Reduced appropriations from General Revenue Fund	\$0	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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CRIMINAL RECORDS FUND

<u>Revenues</u> – Missouri State Highway Patrol Fees from record checks (name) from \$5 to \$9 per record (§43.530)	\$2,303,333	\$2,764,000	\$2,764,000
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<u>Revenue</u> – Missouri State Highway Patrol Fees from record check (fingerprint) from \$14 to \$20 per record (§43.530)	\$565,000	\$678,000	\$678,000
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<u>Revenue</u> – Missouri State Highway Patrol Fees from record checks (name) from \$9 to \$10 on January 1, 2010 (§43.530)	\$0	\$0	<u>\$345,500</u>
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ESTIMATED NET EFFECT ON CRIMINAL RECORDS FUND	<u>\$2,868,333</u>	<u>\$3,442,000</u>	<u>\$3,787,500</u>
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**CRIME VICTIMS'
 COMPENSATION FUND**

Costs – Department of Labor and
 Industrial Relations

Forensic Examinations (\$191.225)	\$0 to (\$2,152,020)	\$0 to (\$2,659,897)	\$0 to (\$2,739,694)
Academic tutoring (\$595.031)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

**ESTIMATED NET EFFECT ON
 CRIME VICTIMS'
 COMPENSATION FUND**

<u>\$0 to (More than \$2,152,020)</u>	<u>\$0 to (More than \$2,659,897)</u>	<u>\$0 to (More than \$2,739,694)</u>
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**DEPARTMENT OF HEALTH AND
 SENIOR SERVICES DOCUMENT
 SERVICES FUND**

<u>Savings</u> – DHSS (§§306.114, 306.117, 577.020, 577.026, 577.037 & 577.208)	<u>\$3,605</u>	<u>\$3,713</u>	<u>\$3,824</u>
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**ESTIMATED NET EFFECT ON
 DEPARTMENT OF HEALTH AND
 SENIOR SERVICES DOCUMENT
 SERVICES FUND**

<u>\$3,605</u>	<u>\$3,713</u>	<u>\$3,824</u>
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**REVEREND NATHANIEL COLE
 MEMORIAL PURSUIT REDUCTION
 GRANT FUND**

<u>Transfers In</u> – from General Revenue Appropriation (§650.470)	Unknown	Unknown	Unknown
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<u>Costs</u> – Grants to urban police departments that have pursuit policy in place (§650.470)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT ON
 REVEREND NATHANIEL COLE
 MEMORIAL PURSUIT REDUCTION
 GRANT FUND**

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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VARIOUS OTHER STATE FUNDS

<u>Costs</u> – Various state agencies To Criminal Records Fund for fingerprint background checks (§43.546)	<u>\$0 to (\$36,720)</u>	<u>\$0 to (\$36,720)</u>	<u>\$0 to (\$36,720)</u>
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**ESTIMATED NET EFFECT TO
 VARIOUS OTHER STATE FUNDS**

	<u>\$0 to (\$36,720)</u>	<u>\$0 to (\$36,720)</u>	<u>\$0 to (\$36,720)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
COUNTY LAW ENFORCEMENT RESTITUTION FUND			
<u>Income</u> – Courts may order the assessment and payment for moving violations (§50.565)	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT TO THE COUNTY LAW ENFORCEMENT RESTITUTION FUND	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
 CITY OF ST. LOUIS			
<u>Costs</u> – St. Louis Police Department overtime compensation (§84.160)	<u>(\$500,000)</u>	<u>(\$500,000)</u>	<u>(\$500,000)</u>
ESTIMATED NET EFFECT TO CITY OF ST. LOUIS	<u>(\$500,000)</u>	<u>(\$500,000)</u>	<u>(\$500,000)</u>
 LOCAL LAW ENFORCEMENT			
<u>Costs</u> – for hospitalization and guarding resulting from §221.040	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – Training requirements for telecommunicator (§650.340)	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

LOCAL SCHOOL DISTRICTS

<u>Revenues</u> – Income from increase in fines (various sections)	Unknown	Unknown	Unknown
<u>Costs</u> – Background/fingerprint requests (Section 43.530)	(\$288,305)	(\$348,563)	(\$408,821)
<u>Losses</u> - reduced distributions from State School Moneys Fund	\$0	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL SCHOOL DISTRICTS	(\$288,305) to <u>Unknown</u>	(Unknown) to <u>Unknown</u>	(Unknown) to <u>Unknown</u>

FISCAL IMPACT - Small Business

Small businesses could experience a fiscal impact as a result of the proposed legislation. The proposal would not allow an employer to require the use of vacation time for an employee to respond to a subpoena, attend a criminal proceeding, or participate in the preparation of a criminal proceeding. Although an employee would not have to be compensated to cover the absence, it could result in additional time off by an employee that an employer would have to cover by providing overtime to other employees.

Medical providers authorized to receive payments from Department of Health and Senior Services for forensic examinations of persons who may be a victim of a sexual offense or a crime could experience a positive fiscal impact as a result of the proposal.

Licensed pharmacies and dispensing practitioners may incur an indeterminate fiscal impact for purchasing electronic equipment, software and related man-hours required in entering and transmitting data to the DHSS. Any cost incurred may be offset somewhat by the benefits provided by being able to access controlled substance prescription data from the program. Efforts will be made to minimize this impact through the vendor contract.

FISCAL DESCRIPTION

The proposed legislation changes the laws regarding crime prevention:

1. The proposal requires the Highway Patrol, at the direction of the Governor, to conduct name or fingerprint background investigations of gubernatorial appointees. The Governor's directive shall state whether such background investigation shall be a name or fingerprint background investigation. If a fingerprint background investigation is ordered, the appointee must submit a set of fingerprints. These fingerprints and the accompanying fees are forwarded to the Highway Patrol to search the state criminal history repository and the FBI for a national criminal background check.

Currently, an entity making a request, as required by law, for criminal history record information that is not based on a fingerprint search must pay a fee of not more than \$5 per request. Entities making requests not required by law cannot be charged more than \$10. Under this proposal, an entity cannot be made to pay more than \$9 dollars for such a request regardless of whether required by law. However, after January 1, 2010, the Superintendent of the Highway Patrol may increase the fee by not more than \$1 per year. Under no circumstances shall the fee exceed \$15 dollars per request.

Currently, an entity making a request for criminal history record information that is based on a fingerprint search must pay a fee of not more than \$14 per request when such request is required by law. When not required by law, the entity may be charge not more than \$20 for such request. Under this act, an entity cannot be charged a fee of more than \$20 dollars for criminal history record information based on a fingerprint search, unless the request is required by the concealed carry endorsement statute or foster parent licensing statute, in which case, the fee shall be \$14.

This proposal allows any state agency, board, or commission to require an applicant to provide fingerprints in specified occupations or appointments for the purposes of positive identification and receiving criminal history record information when determining the applicant's ability to serve in such an occupation or appointment. In order to do so, the applicant or employee must submit a set of fingerprints. These fingerprints and the accompanying fees are forwarded to the Highway Patrol to search the state criminal history repository and the FBI for a national criminal background check. All records related to any criminal history information discovered shall be accessible to the state agency making the request. (Sections 43.530, 43.546, & 43.547);

ASSUMPTION (continued)

2. Adds any moving violation, as defined by Section 302.010, RSMo, to the list of infractions for which a court may order payment to the county law enforcement restitution fund (Section 50.565);
3. Authorizes additional compensation or compensatory time off for overtime, court time, and standby court time in excess of 40 hours for sergeants of the police department of the City of St. Louis. Currently, additional compensation and time off are authorized only for patrol officers and probationary patrol officers (Section 84.160);
4. Authorizes college and university police officers to enforce traffic regulations on college or university property. The officers will be required to be certified under the Peace Officer Standards and Training (POST) Program and will have authority under the fresh pursuit doctrine found in Section 544.157, RSMo (Sections 174.700, 174.712, & 544.157);
5. The Department of Health and Senior Services shall make payments to medical providers to cover the charges of forensic examinations for victims of sexual offenses under certain circumstances. The Department of Health and Senior Services shall develop a checklist for medical providers to refer to while providing treatment to victims. The Highway Patrol, or its designees, is required to develop evidentiary collection kits and, subject to appropriation, make them available to medical providers. If a victim is eligible for relief from the crime victims' compensation fund, the provider may seek compensation from the fund money (Section 191.225);
6. Expands protection for the elderly against financial exploitation (Section 192.925);
7. Adds Zopiclone, its salts, isomers, and salts of isomers to the list of Schedule IV controlled substances and Pregabalin to the list of Schedule V controlled substances (Section 195.010);

ASSUMPTION (continued)

8. Requires the Department of Health and Senior Services to develop a program, subject to appropriation, to monitor the prescribing and dispensing of all Schedule II through Schedule V controlled substances by all licensed professionals who prescribe or dispense these substances in Missouri. The dispenser is required to electronically submit to the department information for each prescription and specifies the frequency of the submissions. The department is allowed to issue a waiver to a dispenser who is unable to submit the required information electronically. If a waiver is obtained, a dispenser can submit the required information in paper format or by other approved means. All submitted prescription information is to be confidential. Exceptions to this requirement include violations of the law or breaches of professional standards which result in an investigation and the submission or the release of prescription information to authorized persons. The release of non-personal, general information for statistical, educational, and research purposes (Sections 195.378 – 195.399);
9. Requires the department to develop an educational course about the Prescription Monitoring Act and, when appropriate, to work with associations for impaired professionals to ensure the intervention, treatment, and ongoing monitoring of patients who have been identified as being addicted to substances monitored by the Prescription Monitoring Act (Section 195.396);
10. Revises the laws regarding possession of restricted natural substances (Sections 195.550 & 195.552);
11. Specifies that the Amber Alert System is to aid in the location of abducted children rather than adults and defines “abducted child” as an individual whose whereabouts are unknown, is younger than 18 years of age, and is reasonably believed to be a victim of kidnapping or younger than 18 years of age and at least 14 years of age and who would be reasonably believed to be a victim of child kidnapping if the person was younger than 14 years of age (Section 210.1012);
12. Requires a photograph to be taken of an incarcerated individual upon release and made available to the victim upon his or her request (Sections 217.439 & 590.209);
13. Allows offenders to appear before the Board of Probation and Parole by means of a video conference, rather than personal appearance, at the discretion of the board (Section 217.670);

ASSUMPTION (continued)

14. Specifies that sheriffs and jailers are not required to take custody of a prisoner from an arresting officer until that prisoner has been examined by a physician or medical personnel if he or she appears to be unconscious, suffering from a serious illness or injury, or is seriously impaired by drugs or alcohol. The prisoner will be responsible for the cost of the examination (Section 210.040);
15. Allows paid police officers of a paid police department to be eligible for workers' compensation benefits for an injury due to psychological stress (Section 287.067);
16. Increases the length of a driver's license suspension for failing to stop for a school bus from 90 to 120 days for the first offense and from 120 to 180 days for a second or subsequent offense (Section 304.070);
17. Specifies that a person commits the crimes of negligent operation of a vessel, operating a vessel while intoxicated, involuntary manslaughter with a vessel, assault with a vessel in the second degree, and operating a vessel with excessive blood-alcohol content on any waters of this state. Currently, those crimes can only be committed on the Mississippi River, Missouri River, or any lake in this state. A person convicted of a second violation of the crime of operating a vessel with excessive blood-alcohol content within 10 years of a first offense will be guilty of a class A misdemeanor and placed on probation for a period of two years. A person convicted of a third violation of the crime of operating a vessel with excessive blood-alcohol content within 20 years of two prior offenses will be guilty of a class D felony and placed on probation for a period of three years. The individual will be prohibited from operating a vessel for a period of five years from the date of the third conviction. The proposal lowers the weight of alcohol necessary in a person's blood in order for there to be a presumption that the person is intoxicated from .1 of 1% to .08 of 1%. "Prior offender" is defined as any person who has pled guilty to or been found guilty of one intoxication-related boating offense within five years of the intoxication-related boating offense for which the person is charged. A person proved to be a prior offender will be guilty of a class A misdemeanor and will not be eligible for probation or parole until he or she has served a minimum of five days' imprisonment. "Persistent offender" is defined as a person who has pled guilty to or been found guilty of two or more intoxication-related boating offenses, involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances operates a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be a persistent offender will be guilty of a class D felony and will not be eligible for probation or parole until he or she has served a minimum of 10 days'

FISCAL DESCRIPTION (continued)

imprisonment. "Aggravated offender" is defined as a person who has pled guilty to or been found guilty of three intoxication-related boating offenses or has pled guilty to or been found guilty of one of more intoxication-related boating offense and any of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances operates a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be an aggravated offender will be guilty of a class C felony and will not be eligible for probation or parole until he or she has served a minimum of 60 days' imprisonment. "Chronic offender" is defined as a person who has pled guilty to or been found guilty of four or more intoxication-related offenses; has pled guilty to or been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances; or has pled guilty to or been found guilty of two or more intoxication-related offenses and any of the following: involuntary manslaughter with a vessel, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree while in an intoxicated condition or under the influence of controlled substances operates a vehicle or motorboat to cause injury to the law enforcement officer. A person proved to be a chronic offender will be guilty of a class B felony and will not be eligible for probation or parole until he or she has served a minimum of two years' imprisonment. No prior, persistent, aggravated, or chronic offender will be given an imposition of sentence (Section 306.111, 306.112, & 306.116);

18. Transfers all powers, duties, and functions of administering the testing of blood-alcohol content from the Department of Health and Senior Services to the Department of Transportation (Section 306.114, 306.117, & 577.020);
19. Specifies that any person convicted of criminal securities fraud will be fined an amount not to exceed \$1 million, be sentenced to a term of imprisonment not to exceed 10 years, or both. If the violation was committed against a disabled or elderly person, the offender will be fined an amount not to exceed \$50,000, be sentenced to a term of imprisonment not to exceed five years, or both (Section 409.5-508);
20. Allows a judge to order the defendant in a municipal or circuit criminal case to pay costs as determined in Section 488.012, RSMo;

FISCAL DESCRIPTION (continued)

21. Allows a judge to order a probationer, as a condition of probation, to be vaccinated for Hepatitis A and B at his or her local health department with the costs to be paid by the probationer (Section 559.021);
22. Removes the provision of law which allows a judgment to be entered against the prosecutor for the trial costs if the defendant is acquitted of the prosecution of the case is dismissed (Sections 545.050 & 550.040);
23. Specifies that any person who unlawfully distributes or delivers any controlled substance to any person and that person's injection, inhalation, or ingestion of the controlled substance causes that person's death will be guilty of involuntary manslaughter (Section 565.024);
24. Revises the definitions of "domestic assault offense" and "intoxication-related offense" to include any offense committed in another state or any federal or military offense which, if committed in Missouri, would be considered a domestic assault offense or an intoxication-related offense (Section 565.063);
25. Expands the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer in the first, second, or third degree to include corrections officers (Sections 565.081, 565.082, & 565.083);
26. Establishes "Ashley's Law" which creates the crime of transporting a child without parental consent when a person transports a child younger than 17 years of age out of the state, without the written consent of the child's parent or legal guardian, for the purpose of committing a crime with the child as the victim or a participant of that crime. The crime will be a class C felony (Section 565.145);
27. Prohibits certain sexual offenders from being physically present or loitering within 500 feet of or approaching, contacting, or communicating with any child younger than 18 years of age in any child care facility building or the real property comprising any child care facility when children younger than 18 years of age are present in the building unless the person is the parent, guardian, or custodian of a child in the building or on the grounds. Any person who violates the provisions of the substitute will be guilty of a class A misdemeanor (Section 566.148);

FISCAL DESCRIPTION (continued)

28. Changes the term “stealing-related offense” to include robbery and clarifies that a person who has pled guilty to or been found guilty of two separate stealing offenses, which were committed on two separate occasions, will be guilty of a class B felony (Section 570.040);
29. Increases the penalty for the crime of possessing child pornography from a class C felony to a class B felony (Section 575.037);
30. Creates the crime of false identification if a prisoner or offender knowingly and with the purpose to mislead gives a false name, date of birth, or Social Security number when identifying himself or herself to a person who is an employee of a jail or correctional center. False identification will be a class C felony (Section 575.075);
31. Increases the penalty for the crime of making a false report from a class B misdemeanor to a class A misdemeanor (Section 575.080);
32. Creates the crime of disarming a peace or correctional officer if a person intentionally removes from or deprives the peace or correctional officer of the use of his or her firearm or other deadly weapon while the officer is acting within the scope of his or her official duties. The crime, a class C felony, does not include situations in which the person does not know or could not reasonably have known that the person was a peace or correctional officer or if the officer was engaged in felonious conduct at the time of the disarmament (Section 575.153);
33. Expands the crime of tampering with a judicial proceeding to include a person whose purpose is to influence the official actions of a state prosecuting or circuit attorney (Section 575.260);
34. Increases the penalty for the crime of assault on a police animal from a class C to a class A misdemeanor (Section 575.353);

FISCAL DESCRIPTION (continued)

35. Allows a court to order a person's vehicle impounded for up to one year as part of a penalty for driving while intoxicated. The offender will be responsible for all costs associated with towing and storing the vehicle. Before ordering impoundment, the court must examine whether the impoundment would result in the loss of employment, an inability to attend school, or an inability to obtain medical care for the offender or a member of the offender's family. An owner who refuses to pay the impoundment fees or who fails to retrieve the vehicle within 30 days after the impoundment period will be deemed to have abandoned the vehicle. When the vehicle is being leased and the lease expires in less than a year, the impoundment period terminates at the conclusion of the lease (Section 577.016);
36. Prohibits the use or possession of an alcohol beverage vaporizer. Any substance that has been approved by the federal Food and Drug Administration as an over-the-counter or therapeutic drug product administered by an authorized medical practitioner is exempt (Section 578.255);
37. Creates in the Secretary of State's Office the "Address Confidentiality Program" for victims of domestic violence, rape, sexual assault, and stalking. The program authorizes the use of designated addresses for such victims and their minor children. The Secretary of State shall promulgate rules to implement and administer this program (Sections 589.660 – 589.683);
38. Requires the Peace Officer Standards Training (POST) Commission to make instruction available to peace officers on the investigation of crimes involving the use of a computer, the Internet, or both (Section 590.035);
39. Requires peace officers who make traffic stops to receive three hours of training within the law enforcement continuing education three-year reporting period. All continuing education requirements may be waived for any peace officer who is activated for military duty (Section 590.050);
40. Expands the number of members on the Peace Officers Standards and Training Commission from nine to 11 by including two members that are peace officers at or below the rank of sergeant employed by a political subdivision. No more than two members of the commission can reside in the same congressional district or be employees of the same law enforcement agency (Section 590.120);

FISCAL DESCRIPTION (continued)

41. Allows the Director of the Department of Public Safety to establish rules to implement the POST Program (Section 590.190);
42. Requires crime victims to be paid up to \$250 from the Crime Victims' Compensation Fund to replace clothing, bedding, or other personal items seized by law enforcement as evidence of a crime (Section 595.030);
43. Allows victims to be represented by an appointed person instead of appearing in person during the offender's parole and probation revocation hearings. The victim's appointee who honors any subpoena to testify in or attend a criminal proceeding is protected from discharge by any employer or from using vacation, personal, or sick leave to attend any criminal proceeding (Section 595.209);
44. Creates the "Shawn Hornbeck Education Reimbursement Program" where the crime victims' compensation fund will pay the cost of education for any victim of Section 565.110 or 565.116 who was confined for at least 180 days (Section 595.031);
45. Allows the department to establish rules recommending procedures for issuing missing/endangered person advisories (Section 650.010);
46. Revises the continued educational training requirements of 911 telecommunicators from 16 hours in a two-year period to 24 hours every three years (Section 650.340);
47. Specifies that the members of the Missouri Medal of Valor Board will be appointed by the Governor from a list submitted by the department director (Section 650.457); and
48. Creates the Reverend Nathaniel Cole Memorial Pursuit Reduction Grant in the state treasury to be administered by the department director. Any money appropriated or donated to the fund will be used to provide grants, in the amount of a 50% match, to urban police departments who purchase real-time tagging and tracking pursuit management systems (Section 650.470).

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

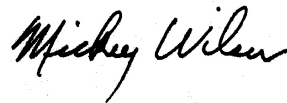
SOURCES OF INFORMATION

Office of the Attorney General
Coordinating Board for Higher Education
Office of Administration
 – Administrative Hearing Commission
Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Transportation
Department of Insurance, Financial Institutions, and Professional Registration
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Social Services
Department of Public Safety
 – Director’s Office
 – Missouri State Highway Patrol
 – Missouri State Water Patrol
 – Division of Fire Safety
 – Division of Alcohol and Tobacco Control
Department of Conservation
Office of the Secretary of State
State Treasurer’s Office
Springfield Police Department
Police Retirement System of St. Louis
University of Central Missouri

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NOT RESPONDING

**Department of Health and Senior Services
Office of Prosecution Services
Office of the State Public Defender**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large initial "M".

Mickey Wilson, CPA
Director
May 4, 2007