

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3601-03
Bill No.: HCS for SB 932
Subject: Law Enforcement Officers and Agencies; Public Safety Department; Crimes and Punishment
Type: Original
Date: April 11, 2008

Bill Summary: This proposal allows grant money distributed by the Department of Public Safety to investigate internet sex crimes against children to be used to fund training for prosecuting and circuit attorneys.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	\$0	(\$1,500,000)	(\$1,500,000)
Total Estimated Net Effect on General Revenue Fund	\$0	(\$1,500,000)	(\$1,500,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Cyber Crime Investigation Fund	\$0	\$0	\$0
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 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on FTE	0	0	0

- 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 2009	FY 2010	FY 2011
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety (DPS)** assume the proposal would have an unknown impact to their agency. DPS assumes the increased fund amount and additional expenditures covered may increase the number of grants made enough to require an FTE in their budget; however, these expenditures would be within the 3% administrative expenses allowed for this program.

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

Officials from the **Office of the State Treasurer** assume no fiscal impact to their agency.

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

Officials from the **Office of Prosecution Services (OPS)** assume this proposal would have a positive direct fiscal impact on county prosecutors and the OPS by providing funding for the training of prosecuting and circuit attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary equipment, supplies, and services. OPS is not aware of any estimates as to the amount of money will potentially be available for the training, equipment, supplies and services envisioned in this legislation and is therefore unable to quantify the extent of this positive fiscal impact.

Oversight notes that the approved budget amount for FY 2008 for this program is \$1.4 million, of which \$1 million is core, with two one-time expenditure appropriations of \$150,000 and \$250,000. The DPS budget request for FY 2009 is \$1 million, with the total Governor's recommendation equaling \$1.5 million. Oversight will assume the \$3 million specified in the proposal as the annual appropriation for this program, is not in addition to the current \$1.5 million, but encompasses current appropriation. Therefore, Oversight will assume a net increase of \$1.5 million (\$3 million per statutes less \$1.5 million in Governor's FY 2009 recommendation) from General Revenue to fund this program. Oversight assumes the portion of the bill that allows the grants to be utilized by prosecuting and circuit attorneys (and their assistants) simply expands the options which the grant money handed down from the Department of Public Safety (DPS) may be utilized, and that it will not directly result in additional moneys being granted by DPS.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE			
<u>Savings</u> - current appropriation to the program - will now be funded through the Cyber Crime Investigation Fund instead of the General Revenue Fund		\$1,500,000	\$1,500,000
<u>Transfer Out</u> - to the Cyber Crime Investigation Fund	<u>\$0</u>	<u>(\$3,000,000)</u>	<u>(\$3,000,000)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$0</u>	<u>(\$1,500,000)</u>	<u>(\$1,500,000)</u>
CYBER CRIME INVESTIGATION FUND			
<u>Transfer In</u> - from General Revenue	\$0	\$3,000,000	\$3,000,000
<u>Costs</u> - Costs allowed to the Department of Public Safety to administer the program (up to 3% per 650.120.2) DPS assumed an unknown cost	\$0	(Up to \$90,000)	(Up to \$90,000)
<u>Costs</u> - Department of Public Safety Grants to multijurisdictional Internet cyber crime law enforcement task forces	<u>\$0</u>	(\$2,910,000) to <u>(\$3,000,000)</u>	(\$2,910,000) to <u>(\$3,000,000)</u>
ESTIMATED NET EFFECT TO THE CYBER CRIME INVESTIGATION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<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.

FISCAL DESCRIPTION

This act creates the "Cyber Crime Investigation Fund". This fund shall be used solely for the administration of the cyber crime investigation grant program. Beginning with fiscal year 2010, the general assembly shall appropriate three million dollars to the fund annually. The department of public safety shall administer the fund.

This act allows money distributed by the Department of Public Safety to investigate internet sex crimes against children to be used to fund training for prosecuting and circuit attorneys. Currently, the money can only be used for other purposes, including training law enforcement personnel.

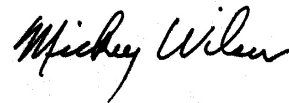
Currently, peace officers who make traffic stops are required to receive annual training concerning the prohibition of race profiling. This act changes the training requirement to three hours within the law enforcement continuing education three-year reporting period.

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

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SOURCES OF INFORMATION

Department of Public Safety
Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 11, 2008