

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3681-06
Bill No.: Perfected HCS for HB Nos. 1549, 1771, 1395 & 2366
Subject: Federal - State Relations; Immigration; Law Enforcement Officers and Agencies
Type: Original
Date: April 9, 2008

Bill Summary: This proposal designates members of the State Highway Patrol for training in enforcement of federal immigration laws on the federal highways in Missouri.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
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 - Missouri Highway Patrol (MHP)** assume the proposal would not have a fiscal impact on their agency based upon the following assumptions. The bill, subject to appropriations, gives the authority for the superintendent to designate troopers who would be trained on immigration laws, and makes no provisions for who would provide said training, where the training would be conducted, and at what cost. The Academy may be involved in the training or may host the training.

For purposes of this fiscal note, the Patrol assumes its Academy would not be involved in this training, and there would therefore be no fiscal impact. It is assumed that approximately 30 troopers would initially be sent to offsite training, and that no further troopers would be involved. However, if the implications of this legislation lead another direction and significantly more troopers were to be involved, or if the Patrol's Academy were to become involved in the training, there could be fiscal impact and we have no way to estimate these costs.

Officials from the **Department of Revenue** and the **Office of the Governor** each assume the proposal would not fiscally impact their respective agencies.

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

Officials from the **Office of Prosecution Services (OPS)** state any new criminal law creates the potential for an increase in the number of cases referred for prosecution. In the absence of any estimates of the number of additional criminal cases that would be referred to County Prosecutors for charges because of this proposed legislation, it is not possible to provide estimates concerning the extent of any fiscal impact. Additionally, the OPS is not otherwise able to establish a workable estimate of the number of additional criminal cases that would be referred to County Prosecutors for charges. Therefore the fiscal impact to County Prosecutors is unknown; however, it is assumed this proposal would not have a significant direct fiscal impact on the OPS.

Officials from the **Office of the State Public Defender (SPD)** state 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.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY 2004 average \$38.37 per inmate, per day or an annual cost of \$14,005) or through supervision provided by the Board of Probation and Parole (FY 2003 average \$3.15 per offender, per day or an annual cost of \$1,150). Supervision by the DOC through probation or incarceration would result in some additional costs, but DOC officials assume that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

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 **Office of the State Public Defender** and the **Highway Department** did not respond to our request for fiscal impact.

In response to a previous version of this proposal, officials from the **Boone County Sheriff's Department** assumed no fiscal impact from the proposal.

In response to a similar proposal from last year (HB 851), officials from the **Springfield Police Department** assumed they would incur costs from staff time to inquire with Federal authorities on each case where citizenship is in question. Federal authorities are not equipped to give immediate response so extra time for detention is required. The estimated annual cost is \$30,000.

ASSUMPTION (continued)

In response to a similar proposal from last year (HB 851), officials from the **Independence Police Department** assumed this proposal would have a significant fiscal impact on local law enforcement regarding the detainment and housing of illegal aliens. Unless there is some commitment from Immigration and Naturalization, we may be in a situation where we must house these illegal aliens for several days resulting in significant costs to the agencies.

The **Buchanan County Sheriff, Columbia Police Department, Greene County Sheriff, Kansas City Police Department,** and the **St. Louis Metropolitan Police Department** did not respond to our request for fiscal impact.

Oversight assumes local police departments will not incur additional costs by following the additional steps outlined in the bill, since the bill requires verification only on those persons whose nationality or immigration status cannot be made from documents in their possession and does not require the prisoner to be held in jail until the immigration status is determined or the federal government takes over the prisoner.

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

The proposed legislation appears to have no fiscal impact.

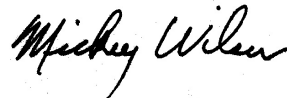
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Office of the Governor
Boone County Sheriff
Independence Police Department
Springfield Police Department
Department of Revenue
Department of Corrections
Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender

NOT RESPONDING:

Department of Transportation, Buchanan County Sheriff, Columbia Police Department, Greene County Sheriff, Kansas City Police Department, and the St. Louis Metropolitan Police Department



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Director
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