

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3690-04
Bill No.: Perfected SCS for SB 754 & 794
Subject: Crimes and Punishment; Criminal Procedure; Science and Technology; Law Enforcement Officers and agencies; Department of Corrections; Highway Patrol
Type: Original
Date: March 3, 2008

Bill Summary: The proposal modifies provisions relating to the DNA profiling system.

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	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services, Department of Public Safety – Missouri State Highway Patrol, – Director’s Office,** and the **Springfield Police Department** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** assume the penalty provisions in this proposal are for a class A misdemeanor.

Currently, the DOC cannot predict the number of new commitments which may result from the enhancement 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 through supervision provided by the Board of Probation and Parole (FY07 average of \$2.43 per offender per day, or an annual cost of \$887 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional costs, but DOC assumes the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal would have some direct fiscal impact on county prosecutors from an increase in the number of crimes solved by having DNA profiles on more individuals and 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, it is not possible to provide estimates concerning the extent of any fiscal impact.

OPS assumes the proposal would not have a significant direct fiscal impact on the OPS.

Oversight also assumes county prosecutors can absorb any increase in cases within existing resources.

ASSUMPTION (continued)

Officials from the **Office of the State Public Defender (SPD)** assume increasing penalties on existing crimes, or creating new crimes, will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations 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 Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

Officials from the **Boone County Sheriff's Department** assume they would incur increased costs as a result of the proposed legislation. Officials estimate \$1.27 in salary for each sample collected at their facility. This figure is based on an estimate of taking 5 minutes to collect the sample and properly complete the associated kit paperwork and the midpoint hourly rate of a Corrections Officer of \$15.25. Officials are unable to project the number of samples they would have to collect, but assume it could be potentially substantial.

Oversight assumes local law enforcement agencies would incur increased costs as a result of the proposed legislation. Based on information received from local law enforcement agencies, Oversight assumes the statewide cost to local law enforcement agencies would not exceed \$100,000 per fiscal year.

Officials from Clark County Sheriff's Department, Greene County Sheriff's Department, Jackson County Sheriff's Department, St. Louis County Police Department, St. Louis County Department of Justice Services, Columbia Police Department, Kansas City Police Department, and the St. Louis Metropolitan Police Department did not respond to Oversight's request for fiscal impact.

<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
POLITICAL SUBDIVISIONS			
<u>Costs – Local Law Enforcement Agencies</u>			
Biological sample collection	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</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 requires juveniles adjudicated of offenses which would constitute certain felonies or any sexual offense under Chapter 566, RSMo, if committed by an adult, to have a biological sample collected for the purposes of DNA profiling analysis.

Any knowing refusal or failure to provide a DNA sample is a class A misdemeanor. Knowingly unauthorized tampering, knowing attempt to tamper, or other knowingly unauthorized use, knowing attempt to use, or knowing dissemination of DNA samples is a class A misdemeanor.

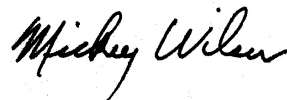
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Social Services
Department of Public Safety
 – Missouri State Highway Patrol
 – Director's Office
Office of Prosecution Services
Office of the State Public Defender
Boone County Sheriff's Department
Springfield Police Department

NOT RESPONDING

Clark County Sheriff's Department
Greene County Sheriff's Department
Jackson County Sheriff's Department
St. Louis County Police Department
St. Louis County Department of Justice Services
Columbia Police Department
Kansas City Police Department
St. Louis Metropolitan Police Department



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Director
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