

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0452-01
Bill No.: SB 200
Subject: Crimes and Punishment
Type: Original
Date: February 19, 2009

Bill Summary: The proposal modifies the law regarding stealing-related offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agency.

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 Public Safety – Director’s Office** assume any potential costs arising from this proposal can be absorbed within existing resources.

Officials from the **Office of Prosecution Services** assume the proposal would have no measurable fiscal impact the Office of Prosecution Services or county prosecutors.

Officials from the **Department of Corrections (DOC)** assume the penalty provision component of this bill resulting in potential fiscal impact for DOC, is for a class D felony.

Although many stealing crimes occur each year, most of the applicable penalty provisions exceed class D felony status. The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

DOC cannot currently 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 direct offender cost either through incarceration (FY08 average of \$15.64 per offender per day, or an annual cost of \$5,709 per inmate) or through supervision provided by the Board of Probation and Parole (FY08 average of \$2.47 per offender per day, or an annual cost of \$902 per offender).

The need for capital improvements is not anticipated at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

ASSUMPTION (continued)

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eighteen (18) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. It is assumed the impact would be less than \$100,000 per year for the DOC.

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.

Currently, Section 570.040 requires that the pleas of guilty have occurred on two separate occasions rather than the crimes have occurred on two separate occasions. Under Section 570.040.1, RSMo 2005, stealing is a class B felony if a person is charged with stealing a motor vehicle, watercraft, or aircraft under Section 570.030(3)(a), RSMo Supp. 2005, and where such person has previously pled guilty or been found guilty on two separate occasions of stealing-related offenses where such offenses occurred within ten years of the date of the present offense and where the person received a sentence of ten days or more on such previous offenses. The proposed legislation changes the prior offenses to separate occasions rather than separate pleas, and eliminates the 10 day jail requirement so that more will fall within the enhanced penalty.

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.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE FUND			
<u>Costs – Department of Corrections</u>			
Incarceration/probation 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 FUND	<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 2010 (10 Mo.)	FY 2011	FY 2012
	<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.

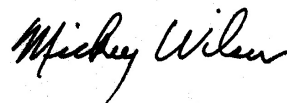
FISCAL DESCRIPTION

The proposed legislation revises the term “stealing-related offense” as it is used in Section 570.040, RSMo, to include robbery. The proposal removes the requirement that a person must have received at least a 10-day jail sentence on a prior offense before a third or subsequent misdemeanor stealing-related offense can be enhanced to a class D felony. It also specifies that a person who has previously pleaded guilty to or been found guilty of two stealing-related offenses which were committed on two separate occasions, and who subsequently pleads guilty to or is found guilty of a stealing-related offense is guilty of certain felonies depending on the nature of such stealing-related offense.

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 Public Safety
– Missouri State Highway Patrol
– Director’s Office
Office of Prosecution Services
Office of the State Public Defender



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February 19, 2009

BLG:LR:OD (12/02)