

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1331-03  
Bill No.: SCS for SBs 223 & 226  
Subject: Business and Commerce; Crimes and Punishment  
Type: Original  
Date: February 16, 2009

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Bill Summary: The proposal regulates sexually oriented businesses.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

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

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## **FISCAL ANALYSIS**

### ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol, – Director’s Office, Missouri Senate, Boone County Sheriff’s Department, Springfield Police Department, City of Centralia, and Cass County** assume the proposal would have no fiscal impact on their agencies.

In response to a previous version of the proposal (SB 223, LR # 1331-01), officials from the **Missouri House of Representatives** assumed the proposal would have no fiscal impact on their agency.

Officials from the **Office of the Attorney General (AGO)** assume the proposal could result in additional appeals of convictions, but that costs can be absorbed within existing resources. Because the AGO is responsible for defending such legislation in constitutionality claims, AGO assumes the nature of these provisions could create a fiscal impact. As a result, AGO assumes costs are unknown but less than \$100,000.

In response to a similar proposal from the current session (SB 226, LR # 1205-01), officials from the AGO assumed any potential costs arising from the proposal can be absorbed within existing resources. Therefore, **Oversight** assumes the AGO can absorb any increased costs within existing resources and reflects no fiscal impact.

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

Officials from the **Office of Prosecution Services (OPS)** assume the potential fiscal impact on county prosecuting attorneys will depend on the extent to which law enforcement agencies choose to enforce this provision and/or are able to enforce this provision. If law enforcement agencies make arrests under this provision, there may be an impact based on the additional cases that may be filed. OPS assumes this legislation would not have any significant fiscal impact on the OPS.

**Oversight** assumes county prosecutors could absorb any increase in cases referred to prosecutors within existing resources.

ASSUMPTION (continued)

**Officials from the Greene County Sheriff's Department, Jackson County Sheriff's Department, St. Louis County Police Department, Columbia Police Department, Kansas City Police Department, St. Louis Metropolitan Police Department, various Missouri cities, and various Missouri counties did not respond to Oversight's request for fiscal impact.**

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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

Small businesses that are sexually oriented in nature could experience a fiscal impact as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

The proposed legislation contains a severability clause.

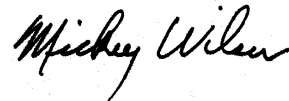
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General  
Office of State Courts Administrator  
Department of Public Safety  
– Missouri State Highway Patrol  
– Director's Office  
Office of Prosecution Services  
Missouri Senate  
Boone County Sheriff's Department  
Springfield Police Department  
City of Centralia  
Cass County

NOT RESPONDING

**Greene County Sheriff's Department**  
**Jackson County Sheriff's Department**  
**St. Louis County Police Department**  
**Columbia Police Department**  
**Kansas City Police Department**  
**St. Louis Metropolitan Police Department**  
**Various Missouri Cities**  
**Various Missouri Counties**



Mickey Wilson, CPA  
Director  
February 16, 2009