

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1517-04
Bill No.: SCS for SBs 261, 159, 180, & 181
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies; Criminal Procedure; Agriculture and Animals; Courts; Crime Victims
Type: Original
Date: February 20, 2009

Bill Summary: The proposal modifies various provisions relating to crime.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	\$0	\$0	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	(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 Agriculture, Department of Natural Resources, Department of Public Safety – Missouri State Highway Patrol, and the Department of Conservation** 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 **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 Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Oversight assumes any increase or decrease in fine or penalty revenues generated cannot be determined. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** assume the portion of this bill with potential fiscal impact for DOC is for serving not less than 80% minimum prison term (MPT) when charged with certain livestock theft and priors also exist. Other changes to the bill will have \$0 or minimal impact to the DOC that can be absorbed within existing resources. Current penalty provisions for livestock theft (exceeding \$3000 in value) is a class B felony, however DOC had no admissions for this crime in FY2007 and none in FY2008 where a prior existed. Anyone charged with the proposed second phase of this enhanced crime and required to serve 80% MPT will serve approximately 81.6 months in prison prior to release in comparison to the current 31.7 months. This is an increase of 49.9 months and impact would not occur until the third year of this fiscal note.

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.

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. Due to the narrow scope of this new crime, 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.

ASSUMPTION (continued)

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>\$0</u>	<u>\$0</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>\$0</u>	<u>\$0</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

Section 570.030 – The proposed legislation modifies the definition of livestock in terms of what is considered a punishable offense for stealing. Under current law, it is a class C felony to steal a horse, mule, ass, cattle, swine, sheep, or goat. This section adds calves, ratite birds (which include ostrich and emu), farm-raised fish, llamas, alpaca, buffalo, elk, and rabbits to the list of livestock for which it is a class C felony to steal.

FISCAL DESCRIPTION (continued)

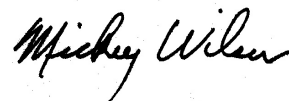
The proposal act makes it a class C felony to steal captive quail, captive pheasants, or domestic farm-raised whitetail deer, but it shall be a class B felony in cases where there has been a similar prior conviction and if the value of the stolen animals exceeds \$3,000.

Any person who pleads guilty to or is found guilty of stealing livestock, quail, pheasants, or domestic farm-raised whitetail deer valued at over \$3,000 and who has a prior conviction for stealing livestock, quail, pheasants, or domestic farm-raised whitetail deer shall serve at least 80% of his or her prison sentence before being eligible for probation, parole, or release.

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 Agriculture
Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Natural Resources
Department of Corrections
Department of Public Safety
– Missouri State Highway Patrol
Department of Conservation
Office of Prosecution Services
Office of the State Public Defender



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