

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5393-03
Bill No.: HCS for SB 690
Subject: Boats and Watercraft; Highway Patrol; State Treasurer
Type: Original
Date: April 27, 2012

Bill Summary: This proposal relates to public safety.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	(\$3,025,530) to (\$4,292,196)	(\$3,000,000) to (\$3,333,333)	(\$3,000,000) to (\$3,100,000)
Total Estimated Net Effect on General Revenue	(\$3,025,530) to (\$4,292,196)	(\$3,000,000) to (\$3,333,333)	(\$3,000,000) to (\$3,100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
DNA Profiling Analysis	\$0 or \$1,166,666	\$1,166,666 or \$1,400,000	\$1,400,000
Cyber Crime Invest	\$0	\$0	\$0
Highway	(\$11,875)	\$0	\$0
Water Patrol Fund	\$0	\$0	\$0
MHP's Motor Vehicle, Aircraft, and Watercraft Revolving	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	(\$11,875) or \$1,154,791	\$1,166,666 or \$1,400,000	\$1,400,000

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 18 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Federal Funds	\$5,000	\$5,000	\$5,000
Total Estimated Net Effect on <u>All</u> Federal Funds	\$5,000	\$5,000	\$5,000

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Local Government	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator, Office of the State Auditor, Office of the State Treasurer** and the **Office of Administration** each assume the proposal will not fiscally impact their respective agencies.

Officials from the **Office of Prosecution Services** assume no measurable fiscal impact to their agency. The creation of new crimes creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine. This legislation would create additional revenue for county prosecuting attorneys offices, the amount of which is unknown.

Officials from the **Department of Corrections (DOC)** state the penalty provision component of this bill resulting in potential fiscal impact for DOC, is for up to a class B felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation and modifications 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 (FY11 average of \$16.878 per offender, per day, or an annual cost of \$6,160 per inmate) or through supervision provided by the Board of Probation and Parole (FY11 average of \$5.03 per offender, per day or an annual cost of \$1,836 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen (17) persons would have to be incarcerated per each 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.

Section 43.260 and 43.265 - Missouri Highway Patrol to sell boats;

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state that prior to this legislation, the sale and purchase of watercraft would have been handled within certain funds such as the Water Patrol Fund, with smaller amounts of money from the sale of old watercraft going in and larger amounts of money for the purchase of replacement watercraft going out. This legislation would bring the Motor Vehicle, Aircraft, and Watercraft Revolving Fund into the scenario, with the proceeds of the sale now going into the revolving fund, and a corresponding partial offset to the purchase price of the new watercraft now coming from the

ASSUMPTION (continued)

revolving fund. The net result of this legislation to either fund (WP or Revolving Fund) would be zero, as any increase/reduction in money coming into a fund would be offset by an equal increase/reduction in money being spent from that same fund. Therefore, the Highway Patrol anticipates no fiscal impact.

Section 302.790 - Department of Revenue to create emergency information database;

Officials from the **Department of Public Safety - Missouri Highway Patrol** (Information and Communications Technology Division) states that modifications will be required to Patrol applications to accommodate the Department of Revenue's changes. Programming changes will modify how the data is presented to officer inquiries. The Patrol estimates that approximately 125 consultant hours would be required at a rate of \$95 per hour (125 x \$95 = \$11,875) in FY 2013.

Officials from **Department of Transportation (MoDOT)** assume no fiscal impact except from Section 302.790, in which MoDOT concurs with the Department of Revenue regarding any fiscal impact to the Road Fund

Officials from the **Department of Revenue - Driver License Bureau** state this proposal will require

- Developing business and supporting system requirements to develop the allergy and emergency contact database.
- User testing of the new application for collection of allergy and emergency contact information.
- Modifying the Missouri Driver Guide, electronic and hard copy formats.
- Updating the Department web site to add information related to option to add allergy and emergency contact information.
- Drafting and filing of a new rule related to collection and storage of allergy and emergency contact person information.

Driver License Bureau (DLB) (FY 2013)

Administrative Analyst I -	160 hrs @ \$24 (1 ½) per hr =	\$ 3,840
Management Analyst Specialist II -	160 hrs @ \$23 per hr =	\$ 3,680
Revenue Band Manager -	40 hrs @ \$30 per hr =	<u>\$ 1,200</u>
	Total =	\$8,720

ASSUMPTION (continued)

Personnel Services Bureau (PSB)

FY13

Update Web Page Information - Administrative Analyst III	5 hrs @ \$22 = \$ 110
Update Forms - Management Analysis Spec I	20 hrs @ \$20 = \$ 400
Develop Procedures - Management Analysis Spec I	20 hrs @ \$20 = \$ 400

Total = **\$910**

Information Technology - OA-ITSD (DOR)

The Department's response to a similar proposal in prior years would have indicated the Department planned to absorb the administrative costs to implement the proposal. Due to budget constraints, reduction of staff and the limitations within the Department's driver license legacy systems, changes cannot be made without significant impact to the Department's resources and budget. Therefore, the IT portion of the fiscal impact is estimated with a level of effort valued at \$15,900 calculated on 600 FTE hours @ \$26.50 = \$15,900.

In summary, DOR assumes a cost of \$25,530 (\$8,720 + \$910 + \$15,900) in FY 2013 to provide for the implementation of the changes in this part of the proposal.

Section 304.823 - Fair Fare Passenger Safety Act;

Officials from the **Department of Revenue (DOR) - Driver License Bureau (DLB)** state if this proposal were to pass a new conviction code would need to be created.

The DLB estimates 40 overtime hours of system testing by one Administrative Analyst I at \$24 equaling \$960.

The offense created under this provision will result in an unknown increase in the number of convictions. The increase in convictions will also increase the number of point warning and suspension/revocation notices issued for accumulation of points.

There are no statistics available to determine how many additional convictions the Department may be required to process; however, one FTE processes 320 convictions per day. The Department assumes that a minimum of one FTE (Revenue Processing Tech) will be needed to process the additional convictions resulting from the violation. If the volume of convictions received for processing exceeds 320 per day, then additional FTE may be required and will be

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ASSUMPTION (continued)

requested through the appropriations process.

There are no statistics available to determine the volume of telephone calls that may be received; however, currently a Telephone Information Operator (Revenue Processing Tech) is required to handle 100 calls per day. The Department assumes that a minimum of one FTE will be needed to answer the additional phone calls. If the calls received, for text messaging while driving exceeds 100 calls per day, an additional FTE will be required and will be requested through the appropriations process.

The Department is unable to determine how many convictions will be received for texting while driving, therefore, the forms and postage costs for issuing the suspension/revocation notices is unknown.

DOR assumes the need for one FTE Revenue Processing Technician to process additional convictions for texting while driving and one FTE Revenue Processing Technician to answer telephone calls related to texting while driving.

Officials from the **Department of Revenue - Information Technology - OA-ITSD** state the Department's response to a similar proposal in prior years would have indicated the Department planned to absorb the administrative costs to implement the proposal. Due to budget constraints, reduction of staff and the limitations within the Department's driver license legacy systems, changes cannot be made without significant impact to the Department's resources and budget. Therefore, the IT portion of the fiscal impact is estimated with a level of effort valued at \$1,060 calculated on 40 hours.

The Department states the reinstatement fees collected is unknown, however, fees collected will be distributed 75% Highway Funds, 15% Cities, and Counties.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this part of the proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

Sections 488.5050, 650.055 and 650.100 - DNA profiling analysis:

In response to a similar proposal from this year (HB 1422), officials from the **Office of Administration - Budget and Planning (BAP)** stated this proposal would remove the stipulation that the General Revenue Fund must grow by two percent or more before proceeds

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ASSUMPTION (continued)

from the court fee are deposited in the DNA Profiling Analysis Fund. For fiscal years 2012 and 2013, the General Revenue Fund is projected to grow by more than two percent, allowing for the transfer into the DNA Profiling Analysis Fund. The DNA Profiling Analysis Fund is estimated to receive \$1.3 million for fiscal years 2012 and 2013.

Officials from the **Department of Public Safety - Missouri Highway Patrol** state their Crime Laboratory Division states that in FY10 and FY11, all the funding intended for the DNA Profiling Fund, approximately \$1.4 million annually, was redirected to the General Revenue Fund along with all associated expenses. This funding originates from court fees assessed on individuals convicted of a felony or misdemeanor. This legislation would redirect the funding and all associated expenses currently diverted to General Revenue back to the DNA Profiling Fund.

The receipts into the DNA Profiling Analysis Fund (0772) for the past five years have been:

FY 2011	\$	0
FY 2010	\$	5,098
FY 2009	\$	1,464,814
FY 2008	\$	1,477,609
FY 2007	\$	1,434,384
FY 2006	\$	1,324,125

With the removal of the August 28, 2013 sunset on the surcharges in Section 488.5050, **Oversight** will reflect an annual revenue of \$1.4 million into the DNA Profiling Analysis Fund based upon responses from the Missouri Highway Patrol and Budget and Planning. Without this proposal, the sunset would remove these surcharges; therefore, Oversight assumes this proposal will result in the continuance of proceeds into the fund. Oversight will reflect ten months of continued income in FY 2014.

Oversight will reflect a potential loss to the General Revenue Fund in FY 2013 and FY 2014 from the removal of subsection 4 of 488.5050. With this removal, all proceeds from the surcharges in this section will go to the DNA Profiling Analysis Fund instead of potentially the General Revenue Fund. Since it is unknown if General Revenue will grow by 2% or more, Oversight will reflect this potential as \$0 or (\$1,400,000) per year. The surcharges are set to sunset in August 2013; therefore, Oversight will reflect 2 months in FY 2014.

ASSUMPTION (continued)

Section 513.653 - Federal forfeiture reporting:

Officials from the **Department of Public Safety - Missouri Highway Patrol** state they would save \$5,000 per year from the Federal Drug Seizure Fund because they would no longer be required to pay the annual cost of an independent audit.

In response to a similar proposal from this year (HB 1672), officials from **Springfield Police Department** stated the proposal would result in a cost savings of approximately \$1,060 (amount paid for the independent auditor) per year.

In response to a similar proposal from this year (HB 1672), officials from the **Boone County Sheriff's Office** assumed the proposal would not fiscally impact their agency.

Oversight will reflect an unknown savings to local political subdivisions since they are no longer required to pay for the independent audit of federal forfeitures.

Section 570 - 145 - Elderly abuse;

New subsection 7 of Section 570.145 allows county prosecutors to retain 10 percent of an amount collected under an order of restitution. Therefore, **Oversight** will reflect a \$0 or unknown positive fiscal impact to county prosecutors from this proposal.

Section 650.120 - extension of sunset date for Cyber Crime task forces;

In response to a similar proposal from this year (HB 1767), officials from the **Department of Social Services (DOS)** stated passing of the bill would enact RSMo. 650.120, which would allow the State Technical Assistance Team (STAT) to apply for additional grant funding. If the bill does not pass, additional grant funding will be discontinued.

STAT is a recipient of the Cyber Crime Investigative Fund Grant Program, for which in FY 2012, we received \$84,516, which is used to train employees in advanced high technology forensic investigative techniques, as well as purchase software, equipment and supplies for conducting high tech children's events investigations. Loss of this grant funding would have a negative impact in the above listed areas, which could also be reflected in the ability to protect Missouri children from high tech predators. As the grant funds are above and beyond STAT's budget, there is no fiscal impact.

ASSUMPTION (continued)

In response to a similar proposal from this year (HB 1750), officials from the **Department of Public Safety - Missouri Highway Patrol** and the **Springfield Police Department** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar proposal from this year (HB 1750), officials from the **Boone County Sheriff's Office** stated they currently receive funding for two detectives, equipment, training and overtime for their Cyber Crimes Unit. Last year's grant provided \$173,300. This year's grant totals \$153,305 in funding. With these grants, the Sheriff's Office do not then have to come from the department's general budget. It is not known whether Boone County would be able to cover the loss of these funds to continue to employ two of the Cyber Crimes Unit detectives and/or keep the unit operational.

Officials from the **Department of Public Safety - Director's Office** did not respond to our request for fiscal impact; however, **Oversight** completed a sunset review of the program last summer. Below is information Oversight compiled during that sunset review:

Beginning with fiscal year 2010 and each subsequent year, the General Assembly was to appropriate three million dollars to the Cyber Crime Investigation Fund to fund the program. The Department of Public Safety administers the fund.

State funding of the Internet Cyber Crime Grant (ICCG) program began in Fiscal Year 2007 and lasted for three years. The program was funded through the state's General Revenue Fund and expenditures in the program for those three years were:

- \$ 184,558 in FY 2007 (2007 ICCG);
- \$1,025,285 in FY 2008 (2008 ICCG); and
- \$1,357,748 in FY 2009 (2009 ICCG).

In 2009, the American Recovery and Reinvestment Act (ARRA), commonly known as the federal stimulus program, was signed into law which provided additional funding to the Edward Byrne Memorial Justice Assistance Grant (JAG) for state and local law enforcement agencies. In 2010, DPS stopped funding the ICCG program and started a very similar program funded with stimulus funds and named the new program the Multi-Jurisdictional Cyber Crime Grant Program (MJCCG) to distinguish it from the ICCG. For the past three years, all Missouri cyber crime grants have been awarded under MJCCG program. Federal funding of the MJCCG began in State Fiscal Year 2010 and will last through FY 2012 (at which time the federal stimulus funding is believed to expire). Expenditures/awards in the program for those three years are:

ASSUMPTION (continued)

- \$1,407,009 of expenditures in FY 2010 (2009 MJCCG);
- \$1,419,768 of awards in FY 2011 (2010 MJCCG); and
- \$1,516,699 of awards in FY 2012 (2011 MJCCG).

Therefore, for the past three fiscal years, funding for the program has been with federal stimulus funding and has not met the stated \$3 million annual threshold.

Program Year	Program	Contract Period	Grantees	Award	Expenditure	Funding Source
2007	ICCG	7/1/06 - 6/30/07	11	\$242,388	\$184,558*	General Revenue
2008	ICCG	7/1/07 - 5/31/08	15	\$1,208,527	\$1,025,285*	General Revenue
2009	ICCG	6/1/08 - 5/31/09	15	\$1,455,398	\$1,357,748*	General Revenue
2009**	MJCCG	6/1/09 - 6/30/10	13	\$1,499,597	\$1,407,009	ARRA
2010	MJCCG	7/1/10 - 6/30/11	14	\$1,419,768	Not Available	ARRA
2011	MJCCG	7/1/11 - 6/30/12	14	\$1,516,699	Not Complete	ARRA

This table shows the various task forces throughout the state that are receiving funding in the current fiscal year through the federal program (MJCCG).

	Task Force	Project Title	Requested Funding	Award
1	Boone County, Cyber Task Force	Boone County Sheriff's Department Cyber Crimes Task Force	\$204,378	\$152,305
2	Clayton, RCCEEG	Regional Computer Crime Education & Enforcement Group	\$139,655	\$138,802
3	Dent County, Cyber Task Force	South Central Missouri Computer Crime Task Force	\$44,186	\$44,186
4	Independence, Cyber Unit	Northeastern Jackson County Cyber Crimes Working Group Against Internet Crime	\$138,851	\$121,092
5	Joplin, Cyber Task Force	Southwestern Missouri Cyber Crime Task Force	\$177,586	\$177,182

6	Kirksville, Cyber Task Force	Kirksville Regional Computer Crimes Unit	\$59,742	\$59,742
7	Missouri Department of Social Services, STAT	Operation Cyber-Safe	\$97,362	\$84,512
8	Missouri State Highway Patrol, Cyber Crime Unit	Computer Forensic Unit	\$42,057	\$31,989
9	Platte County, PCMEG	Western Missouri Cyber Crimes Task Force	\$423,006	\$202,677
10	Poplar Bluff, SEMO Cyber Unit	SEMO Cyber Crimes Task Force	\$129,215	\$105,206
11	Springfield, Cyber Crime Task Force	2012 Internet Cyber Crime Initiative	\$237,582	\$73,748
12	St Charles County, Cyber Task Force	St. Charles County Internet Crimes Against Children	\$191,584	\$190,864
13	St. Louis County, Cyber Task Force	2011 MJCCG - Special Investigations Personnel Upgrade	\$181,622	\$63,746
14	Stone County, Tri-Lakes Cyber Task Force	Tri-Lakes Regional Internet Crimes Task Force	\$93,490	\$70,646
	Total Funding		\$2,160,318	\$1,516,698

Oversight assumes the federal stimulus funding for this program will be exhausted by the end of FY 2012. Therefore, Oversight will assume an annual cost of \$3 million to the General Revenue Fund to continue this program in FY 2013 and beyond. The Department of Public Safety is allowed to retain up to three percent of the funding for administrative expenses.

Two state agencies (Missouri Highway Patrol and the Department of Social Services) have received funding through this program for the last five years. Therefore, Oversight will show potentially not all of the \$3 million being distributed to local political subdivisions (some of the money could be granted to state agencies that work in this field and Department of Public Safety - Director's Office could retain a percentage of the \$3 million for administrative expenses).

Officials from the **Office of the State Public Defender** and the **Department of Health and Senior Services** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE			
<u>Cost</u> - Department of Revenue			
Administrative cost to create emergency information database (Section 302.790)	(\$25,530)	\$0	\$0
<u>Costs</u> - Department of Corrections			
To incarcerate / supervise offenders of the provisions in the proposal	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Loss</u> - removal of stipulation that if the General Revenue Fund does not grow by 2%, the State Treasurer shall deposit revenue from the surcharges listed in 488.5050 into it instead of the DNA Profiling Analysis Fund	\$0 or (\$1,166,666)	\$0 or (\$233,333)	\$0
<u>Transfer Out</u> - to the Cyber Crime Investigation Fund - to continue the Internet Cyber Crime Grant Program (Section 650.120)	<u>(\$3,000,000)</u>	<u>(\$3,000,000)</u>	<u>(\$3,000,000)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$3,025,530) to (\$4,292,196)</u>	<u>(\$3,000,000) to (\$3,333,333)</u>	<u>(\$3,000,000) to (\$3,100,000)</u>
DNA PROFILING ANALYSIS FUND			
<u>Income</u> - removal of sunset date for surcharges listed in Section 488.5050	\$0	\$1,166,666	\$1,400,000
<u>Income</u> - removal of stipulation that General Revenue must grow by 2% for this fund to get surcharges listed in 488.5050	\$0 or <u>\$1,166,666</u>	\$0 or <u>\$233,333</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE DNA PROFILING ANALYSIS FUND	<u>\$0 or \$1,166,666</u>	<u>\$1,166,666 or \$1,400,000</u>	<u>\$1,400,000</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2013 (10 Mo.)	FY 2014	FY 2015
CYBER CRIME INVESTIGATION FUND			
<u>Transfer In</u> - from the General Revenue Fund (Section 650.120)	\$3,000,000	\$3,000,000	\$3,000,000
<u>Costs</u> - Department of Public Safety is allowed to retain up to 3% of funding for administrative expenses (Section 650.120)	(Up to \$90,000)	(Up to \$90,000)	(Up to \$90,000)
<u>Costs</u> - grants to multijurisdictional internet cyber crime law enforcement task forces (Section 650.120)	(At least <u>\$2,910,000</u>)	(At least <u>\$2,910,000</u>)	(At least <u>\$2,910,000</u>)
ESTIMATED NET EFFECT TO THE CYBER CRIME INVESTIGATION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
HIGHWAY FUND			
<u>Cost</u> - Missouri Highway Patrol Administrative cost to implement emergency information database (Section 302.790)	(<u>\$11,875</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE HIGHWAY FUND	<u>(\$11,875)</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2013 (10 Mo.)	FY 2014	FY 2015
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WATER PATROL FUND

<u>Loss</u> - proceeds from sale of watercraft, watercraft motors and trailers now deposited into the Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (Sections 43.260 & 43.265)	(Unknown)	(Unknown)	(Unknown)
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<u>Savings</u> - Less money in the fund to be spent on watercraft, watercraft motors and trailers (Sections 43.260 & 43.265)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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ESTIMATED NET EFFECT TO THE WATER PATROL FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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HIGHWAY PATROL'S MOTOR VEHICLE, AIRCRAFT, AND WATERCRAFT REVOLVING FUND

<u>Income</u> - proceeds from sale of watercraft, watercraft motors and trailers which were previously deposited into the Water Patrol Fund (Sections 43.260 & 43.265)	Unknown	Unknown	Unknown
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<u>Costs</u> - of watercraft, watercraft motors and trailers that previously were purchased out of the Water Patrol Fund (Sections 43.260 & 43.265)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO THE HIGHWAY PATROL'S MOTOR VEHICLE, AIRCRAFT, AND WATERCRAFT REVOLVING FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - State Government FY 2013 FY 2014 FY 2015
 (continued) (10 Mo.)

FEDERAL FUNDS

<u>Savings</u> - Missouri Highway Patrol No longer required to have an independent audit of forfeiture proceeds (Section 513.653)	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$5,000</u>
ESTIMATED NET EFFECT TO FEDERAL FUNDS	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$5,000</u>

FISCAL IMPACT - Local Government FY 2013 FY 2014 FY 2015
 (10 Mo.)

LOCAL POLITICAL SUBDIVISIONS

<u>Savings</u> - Sheriff and Police Departments no longer required to have an independent audit performed on federal forfeitures (Section 513.653)	Unknown	Unknown	Unknown
<u>Income</u> - Sheriff and Police Departments grants from the Missouri Department of Public Safety for the Internet Cyber Crime Grant program (Section 650.120)	Up to \$3,000,000	Up to \$3,000,000	Up to \$3,000,000
<u>Income</u> - county prosecutors are allowed to retain ten percent of an order of restitution under new 570.145.7	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Sections 43.260 - 43.265 - allows the Missouri State Highway Patrol to sell surplus watercraft and watercraft motors and trailers in the same manner that the Highway Patrol may currently sell surplus highway patrol vehicles. Proceeds from the sales will be directed to the "Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund", which is administered by the superintendent of the Highway Patrol. Proceeds from the fund are used to purchase Highway Patrol motor vehicles, and may be used under this act to also purchase watercraft, and watercraft motors and trailers.

Section 302.790 - allows the Department of Revenue to create an emergency information database for instruction permit and driver's and nondriver's license holders to record any known allergies of the holder and to enter the name and contact information for no more than two emergency contact persons he or she wishes to be contacted if involved in a motor vehicle accident or other emergency when the person is unable to communicate. All information in the database must be made available upon request to law enforcement and other emergency personnel, and law enforcement may share the information with other law enforcement or emergency personnel when necessary. The department, law enforcement, and other emergency personnel cannot incur liability for sharing the information or if the applicant fails to keep the information updated. This part of the proposal becomes effective July 1, 2013, or on the date that the Director of the Department of Revenue begins accepting the information, whichever occurs first.

Sections 488.5050 and 650.055 - changes the laws regarding DNA profiling analysis. These sections:

- Change when a surcharge is assessed for deposit into the DNA Profiling Analysis Fund to include all criminal cases, except traffic violations, in which the defendant pleads guilty, is found guilty, or is convicted. Currently, it is assessed in all criminal cases, except traffic violations, in which the defendant pleads guilty or nolo contendere to or is convicted of a felony; and
- Removes the provision requiring the moneys collected by the surcharge to be deposited into the General Revenue Fund if the state's general revenue did not increase by 2% or more and removes the expiration date of August 28, 2013, regarding the assessment of the surcharge.

FISCAL DESCRIPTION (continued)

Section 513.653 - currently, a law enforcement agency involved in using the federal forfeiture system under federal law is required each fiscal year to acquire an independent audit of the federal seizures and proceeds therefrom and provide the audit to its governing body, the Department of Public Safety, and the Office of the State Auditor. This bill removes the audit requirement and requires the law enforcement agency to file an annual report by January 31 regarding federal seizures and proceeds for the previous year with the Department and the Auditor's office. The detailed information that the report must contain is specified.

Section 570.154 - if a person is found guilty of financial exploitation by being in possession of funds disclosed as income or assets in Department of Social Services records and the funds are owed to a nursing facility, the court can order the offender to make restitution to the facility. The prosecuting attorney may receive ten percent of the funds collected under the order as reimbursements for the cost of enforcement.

Section 650.120 - currently, the provisions regarding Internet cyber crime law enforcement task forces and the Cyber Crime Investigation Fund expire on June 5, 2012. This proposal extends these provisions to August 28, 2022.

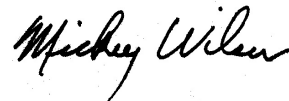
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Office of the State Treasurer
Office of Administration
Office of the State Courts Administrator
Office of Prosecution Services
Department of Corrections
Department of Revenue
Department of Transportation
Office of the State Auditor
Department of Social Services
Springfield Police Department
Boone County Sheriff

Not Responding:

Office of the State Public Defender
Department of Health and Senior Services



Mickey Wilson, CPA
Director
April 27, 2012