

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0972-09
Bill No.: HCS for SS#2 for SCS for SB Nos. 199, 417, & 42
Subject: Courts; Crimes and Punishment; Criminal Procedure; Law Enforcement Officers and Agencies
Type: Original
Date: May 11, 2015

Bill Summary: This proposal modifies provisions related to judicial proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
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 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§478.252 - Armed Offender Docket Pilot Project:

Officials at the **Office of the State Courts Administrator** assume the proposed legislation establishes the Armed Offender Docket Pilot Project within the Jackson County Circuit Court to handle all matters regarding a person accused or convicted of first degree robbery or a firearms offense. The selected charges disposed by guilty outcome during FY14 for Jackson County are listed below:

- 125 - Armed Criminal Action
- 107 - Unlawful use of a weapon (Subsections 1-4)
 - 1 - Atmp-Unlawful use of a weapon (Subsections 1-4)
- 24 - Unlawful possession of a firearm
 - 3 - Unlawful possesses, transport, manufacture, repair/sale of illegal weapon
 - 2 - Possession of a defaced firearm
 - 2 - Discharge/shoot firearm at or from motor vehicle/shoot at person, motor vehicle, or building/habitable structure-persistent offender
 - 4 - Discharge/shoot firearm at or from motor vehicle, shoot at person, anthr motor vehicle or any building/habitable structure-physical injury/death

The selected charges disposed by guilty outcome during FY14 for Jackson County were 268. These are the total number of charges, not cases, as there may be more than one charge affiliated with a case. There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to a similar proposal from this year, HB 1044, officials at the **Department of Corrections** assumed no fiscal impact from this proposal. Based on an analysis, there were 87 cases placed under supervision and 25 sentenced to prison in FY14. There may be potential diversions from prison sentences as a result of legislation enacting a pilot Armed Offender Docket, which increases population for probation and parole. Specialty court assignments require a greater number of work hours from Probation and Parole Officers II staff than regular supervision, thus increasing the overall caseload.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

ASSUMPTION (continued)

In response to a similar proposal from this year, HB 1044, officials at the **Office of the State Public Defender**, the **Department of Higher Education** and the **Office of Prosecution Services** each assumed no fiscal impact to their respective agencies from this proposal.

Officials at Jackson County did not respond to **Oversight's** request for fiscal impact.

§563.031 - Deadly force by occupant:

In response to a similar proposal from this year, HB 122, officials from the **Department of Public Safety - Missouri Highway Patrol**, **Department of Corrections**, **Office of Prosecution Services**, **Office of the State Courts Administrator**, and the **Office of the State Public Defender** each assume the proposal would not fiscally impact their respective agencies.

§§563.046 - Peace office use of deadly force:

In response to a previous version of the bill, officials from the **Department of Public Safety - Capitol Police**, the **Department of Natural Resources** and the **Department of Social Services - State Technical Assistance Team** each assumed the proposal would not fiscally impact their respective agencies.

In response to a previous version of the bill, officials from the **Department of Public Safety - Missouri Highway Patrol** assumed the proposal would not fiscally impact their agency.

Officials from the **Missouri Department of Conservation** state this proposal would have an unknown impact on their agency.

In response to a previous version of this proposal, officials from the **Cole County Sheriff's Department**, the **Boone County Sheriff's Department**, and the **Springfield Police Department** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar version of this proposal, officials from the **Attorney General's Office** assumed that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the Columbia Police Department, the Independence Police Department, the Jackson County Sheriff's Department, the Platte County Sheriff's Department, the Springfield Police Department, the St. Joseph Police Department, the St. Louis Police Department, and the St. Louis County Police Department did not respond to our request for fiscal impact.

ASSUMPTION (continued)

Oversight assumes state and local law enforcement agencies would be able to implement the changes in this proposal without incurring a material fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016	FY 2017	FY 2018
	<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

This proposal is related to judicial proceedings.

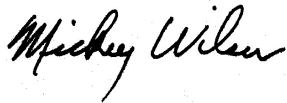
The repeal and reenactment of the second occurrence of Section 563.046 has an emergency clause.

The repeal and reenactment of the first occurrence of Section 563.046 shall become effective January 1, 2017.

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
Department of Natural Resources
Missouri Department of Conservation
Department of Social Services
Office of the State Courts Administrator
Department of Corrections
Attorney General's Office
Office of the State Public Defender
Department of Higher Education
Office of Prosecution Services
Cole County Sheriff's Department
Boone County Sheriff's Department
Springfield Police Department



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May 11, 2015

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