

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4336-08  
Bill No.: Perfected SS for SCS for SB 663  
Subject: Alcohol; Courts; Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: April 27, 2016

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Bill Summary: This proposal relates to the administration of justice.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Fully Implemented (FY 2020)</b>
General Revenue	(Could exceed \$1,471,378)	(Could exceed \$1,497,869)	(Could exceed \$1,723,940)	(Could exceed \$1,835,303)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$1,471,378)</b>	<b>(Could exceed \$1,497,869)</b>	<b>(Could exceed \$1,723,940)</b>	<b>(Could exceed \$1,835,303)</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 37 pages.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Fully Implemented (FY 2020)</b>
Highway Funds	Less than \$100,000	Less than \$100,000	Less than \$100,000	Less than \$100,000
Statewide Court Automation	\$0	\$0	\$4,166,667	\$5,000,000
Basic Civil Legal Services	\$0	\$0	\$1,450,000	\$2,900,000
Intervention and Compliance Unit Pilot Program	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>	<b>More than \$5,616,667</b>	<b>More than \$7,900,000</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Fully Implemented (FY 2020)</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</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 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Fully Implemented (FY 2020)</b>
General Revenue	3 FTE or 6 FTE	3 FTE or 6 FTE	3 FTE or 6 FTE	3 FTE or 6 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>3 FTE or 6 FTE</b>	<b>3 FTE or 6 FTE</b>	<b>3 FTE or 6 FTE</b>	<b>3 FTE or 6 FTE</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Fully Implemented (FY 2020)</b>
<b>Local Government</b>	<b>Could exceed \$847,680</b>	<b>Could exceed \$847,680</b>	<b>Could exceed \$847,680</b>	<b>Could exceed \$847,680</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §57.111 - Sheriffs responding to adjoining county:

In response to a similar proposal from this year, SB 734), officials from the **Department of Public Safety - Missouri Highway Patrol** and the **Boone County Sheriff's Department** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar proposal from 2015 (HB 218), officials from the **St. Louis County Police** assumed the proposal would not fiscally impact their agency.

#### §§192.2405, 192.2410, 192.2475, 565.188 - Mandatory reporters:

In response to a similar proposal (HB 2212), officials from the **Office of State Public Defender (SPD)** stated for the purpose of this proposed legislation, officials from the SPD cannot assume that existing staff will provide competent, effective representation for any new cases where indigent persons face penalties for failure to report elder abuse.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

In response to a similar proposal (HB 2212), officials from the **Department of Health and Senior Services**, the **Department of Corrections**, the **Missouri Office of Prosecution Services** and the **Office of State Courts Administrator** each assumed the proposal would not fiscally impact their respective agencies.

#### §198.070 Sexual assault reporting:

**Oversight** assumes the changes in this section will not create a fiscal impact.

#### §211.059 Required warnings to children:

**Oversight** assumes the changes in this section will not create a fiscal impact.

ASSUMPTION (continued)

§211.436 Restraints used on juveniles:

**Oversight** assumes the changes in this section will not create a fiscal impact.

§217.151 Restraints used on pregnant women:

In response to a similar bill (HB 2552), officials at the **Office of the State Courts Administrator** and the **Department of Corrections** each assumed no fiscal impact to their respective agencies from this proposal.

**Oversight** assumes this proposal prohibits the use of restraints on children under the age of 17 and pregnant and post-partum offenders during court proceedings except in certain circumstances. Oversight assumes this is a change in policy and procedures during court proceedings and will have no direct fiscal impact.

§§217.360, 221.111 Two-way telecommunications in prisons

In response to a similar proposal from this year (HB 1837), officials from the **Department of Corrections, Office of the State Courts Administrator, Department of Public Safety - Missouri Highway Patrol**, and the **Office of the State Public Defender** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar proposal from this year (HB 1837), officials from the **Office of Prosecution Services** assumed the proposal would have no measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine.

**Oversight** assumes this section would have no fiscal impact.

§§217.670, 217.690 Parole hearings:

In response to a similar proposal from this year (HB 1585), officials from the **Department of Corrections (DOC)** stated there will be a cost avoidance for the 10 sites where we currently conduct video parole hearings because people will not have to travel to conduct an in-person hearing when the offender refuses to appear via video. The estimated projected cost avoidance includes the following:

ASSUMPTION (continued)

Average # of travel days due to offender refusing to appear via video:	6/month
Vehicle cost per travel day:	\$130
Hotel cost per travel day for 2 hearing panel members:	\$160
Meal cost per travel day for 2 hearing panel members:	\$100

FY 2017 total \$23,400 (10 months x 6 per month x (\$130 + \$160 + \$100))

FY 2018 total \$28,361 (full 12 months and add 1% inflation)

FY 2019 total \$28,644 (add 1% inflation)

§217.722 Notification by Probation Officer of violations:

In response to a similar proposal from this year (SB 681), officials from the **Department of Corrections (DOC)** assumed this legislation requires the probation officer to notify the prosecutor if he or she has probable cause to believe a probationer has violated a condition of parole.

DOC states it is difficult to estimate the actual number of additional probation revocations that may occur as a result of this legislation. However, in FY '15 there were 8,124 probationers revoked to serve a term or 120-day sentence. If there were an increase of one percent (estimated) in the number of offenders being revoked due to this legislation, the Department of Corrections estimates that there will be at least 81 additional offenders sentenced to incarceration in year 1 and up to 101 offenders sentenced to incarceration in year 2 and beyond. The average length of incarceration is 15 months. Full implementation of this legislation will occur in year 2.

DOC assumes there would be some additional staff costs related to implementing the notification process and for providing additional violation reports if required for revocation. There could also be increased costs based upon the type of sentence as the DOC could be responsible for reimbursing the counties for the cost of jail days incurred by offenders being processed based upon the issuance of a warrant. Also, with the increase in the number of DOC offenders in county jails, there could be a cost to the DOC to reimburse counties for the jail stay if the offenders were revoked and then incarcerated by the DOC. However, the DOC is unable to calculate the amount of these costs.

Officials from the DOC also assume this could have a substantial impact on the courts and police authorities if a large number of offenders are in jail due to warrants issued due to this legislation.

The FY '15 average cost of supervision is \$6.04 per offender per day or an annual cost of \$2,205 per offender. The DOC cost of incarceration is \$16.809 per day or an annual cost of \$6,135 per

ASSUMPTION (continued)

offender.

	# to Prison	Cost per year	Total Cost Prison	# to probation and/or Parole	Cost per year	Total Cost of Probation & Parole	<b>Grand Total Prison and Probation</b>
Year 1 (10 months)	81	(\$6,135)	(\$496,935)	0	(\$2,205)	\$0	<b>(\$414,113)</b>
Year 2 (2% inflation)	101	(\$6,135)	(\$619,635)	0	(\$2,205)	\$0	<b>(\$632,028)</b>
Year 3 (2% inflation)	101	(\$6,135)	(\$619,635)	0	(\$2,205)	\$0	<b>(\$644,668)</b>

In summary, DOC assumes a cost of (\$414,113 to Unknown) in FY 2017, (\$632,028 to Unknown) in FY 2018, and (\$644,668 to Unknown) in FY 2019.

**Oversight** assumes the cost of the legislation will depend upon action taken by prosecuting attorneys and circuit attorneys. The proposal requires probation offices to notify prosecuting or circuit attorneys if they have probable cause to believe that a person has violated a condition of probation; however, many factors would need to be taken into account for the DOC to incur additional costs. Oversight assumes some unknown additional number of offenders would be sent back to prison as a result of this proposal. Therefore, for fiscal note purposes, Oversight will reflect a cost of 'Could exceed \$100,000' for the Department of Corrections.

In response to a similar proposal from this year (SB 681), officials from the **Office of Prosecution Services**, the **Office of the State Public Defender** and the **Office of the State Courts Administrator** each assume the proposal will have no fiscal impact on their respective organizations.

ASSUMPTION (continued)

§304.351 Failure to Yield:

In response to a similar bill from this year (HB 1813), officials from the **Department of Revenue (DOR)** assumed this would increase the penalties for any person who pleads guilty to or is found guilty of a failure to yield the right-of-way violation in which the offender is found to have caused serious injury or has caused a fatality. The court shall issue an order of suspension of the individual's driving privileges. In the event of a fatality, the proposed legislation would require the offender to complete a driver improvement program.

Administrative Impact:

Driver License Bureau (DLB):

DOR is unable to determine how many court ordered suspensions will be received to process. If the volume is so significant that it cannot be absorbed by existing staff, additional FTE(s) will be requested though the appropriations process.

The proposed changes will require programming and user acceptance testing of the failure to yield the right-of-way suspensions when involving a fatality.

Two Management Analyst Specialist I - 80 hrs x 2 @ \$21 per hr = \$3,360

Update web page - Administrative Analyst III - 10 hrs @ \$23 = \$230

Update forms – Management Analysis Spec I - 40 hrs @ \$21 = \$840

Update procedures – Management Analysis Spec I - 40 hrs @ \$21 = \$840

Total = \$1,910

Total OA-ITSD Impact for FY `17 is 399.6 hours at \$75 per hour = \$29,970.

In summary, DOR assumed a cost of \$35,240 (\$3,360 + \$1,910 + \$29,970) in FY 2017 to provide for the implementation of the changes in this proposal.

DOR stated reinstatement fees collected is unknown. Fees collected will be distributed 75% Highway Funds, 15% Cities, and 10% Counties.

Since it is unknown how much additional revenue the reinstatement fees collected would produce, for fiscal note purposes only, **Oversight** will estimate revenue as: Less than \$100,000.



ASSUMPTION (continued)

In response to a similar bill from this year (HB 1813), officials from the **Office of the State Courts Administrator** stated the proposed legislation would increase the fine for failure to yield the right-of-way. According to the Fine Collection Center, as well as the total number of charges, the net average for the past five years of failure to yield the right-of-way violations with a guilty disposition is 3,127. It is unknown how much additional revenue the increase in fines would produce.

**Oversight** notes since it is unknown how many of the 3,127 violations with guilty disposition resulted in injuries, serious injuries, or deaths, the amount of fine revenue will be reflected as: 'Could exceed \$100,000.' Oversight will assume the additional fine revenue will be distributed to local school districts.

In response to a similar bill from this year (HB 1813), officials from the **Department of Transportation, Department of Public Safety, Office of Prosecution Services** and **State Public Defender's Office** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a similar bill from this year (HB 1813), officials from the **City of Kansas City** and **St. Louis County** assumed the current proposal would not fiscally impact their local political subdivision.

§327.272 Land Surveyors:

In response to a similar proposal from this year (HB 2034), officials from the **Department of Insurance, Financial Institutions and Professional Registration** assumed the current proposal would not fiscally impact their agency.

§455.095 Electronic Monitoring:

In response to a similar proposal from this year (SB 678), officials at the **Department of Corrections (DOC)** assumed this proposal permits Courts to place an offender on "electronic monitoring (EM) with victim notification" as either part of a sentence, if a person is found guilty of violating the terms of an ex parte order, or to order it as a condition of release from custody before trial if a person is charged with that offense. "Electronic monitoring with victim notification" directs that alerts to be sent to "the protected person and the appropriate law enforcement agency" whenever the "monitored person is within a certain distance of the protected person or protected premises" as specified in the Court's order. As a condition of being considered for such electronic monitoring, the bill requires the offender to pay for the

ASSUMPTION (continued)

related costs and expenses of the EM. The bill does not expressly state who will be responsible for providing the electronic monitoring services.

The Division of Probation and Parole does not monitor individuals released prior to trial and would not be responsible for providing electronic monitoring for those individuals. It would be difficult for the DOC to assume responsibility for providing electronic monitoring with victim notification for the offenders who were convicted of violating the terms of an ex parte order. The DOC currently does not have a contract in place that would allow the Division of Probation and Parole to provide monitoring that would allow the victim to be alerted, either electronically or telephonically, from an individual hired by the division to advise when a perpetrator was near them in proximity. Additionally, DOC has no operating system in place to allow offenders to pay for EM services such as outlined in the legislation. Offenders currently pay Intervention Fees which allows for the division to place offenders on EM, place in a Residential Facility, or provide other services.

Therefore, the DOC assumes that, if it is the Court's intent to place these offenders on probation with an EM system that would allow victim notification of close proximity, the Court would have to contract through a vendor to provide this service, which would include an operating system to charge and collect fees related to this. In our opinion, this could only be accomplished through private probation, unsupervised probation, or Court Probation.

There could also be an issue for Probation and Parole as any records generated by EM would be considered confidential and privileged under §549.500 and 559.125 RSMo. The bill requires this information be shared with the “protected person” and directs that any information obtained via electronic monitoring must be shared between the DOC, the Highway Patrol, circuit courts and county and municipal law enforcement agencies. There is nothing protecting the information from further dissemination.

The fiscal impact of this legislation on the DOC would occur if offenders previously sentenced to probation supervision or incarceration by the DOC would now be under the supervision of the Court or private probation services. In FY14, 84 individuals received probation sentences for violations of protective orders that are supervised by the Department of Corrections, with an average probation sentence of 2.4 years. An additional eight individuals received term sentences averaging 3.3 years, but served only 10 months. This bill would make it possible to sentence these offenders to electronic monitoring with victim notification. However, the DOC assumes the 84 offenders currently sentenced to probation would not be sentenced to additional electronic monitoring.

ASSUMPTION (continued)

Therefore, the fiscal impact would be to divert the eight incarcerated offenders per year to DOC probation or parole supervision. Electronic monitoring with victim notification would be provided by private probation. This has the potential to save the DOC funds on the cost of incarceration, but would be offset by DOC supervision costs and by private probation costs if offenders fail to pay the estimated \$14 per day per offender (\$40,800 per year) of electronic monitoring with victim notification. The FY15 average cost of supervision is \$6.04 per offender per day or an annual cost of \$2,205 per offender. The DOC cost of incarceration is \$16.809 per day or an annual cost of \$6,135 per offender. The DOC assumes this legislation may result in a long term cost or a cost avoidance.

In summary, if the probationers pay all costs for 8 EM devices with victim notification which would result in 8 EMs in 2017, 16 in 2018 and 24 in 2019, this would result in a savings of \$19,383 in 2017, \$5,732 in 2018 and a loss of \$12,506 in 2019. If DOC pays all costs for the 8 EMs with victim notification, this would result in a loss of \$14,617 in 2017, \$77,500 in 2018 and \$139,851 in 2019.

**Oversight** assumes according to subsection 5 of the proposal that the related costs and expenditures of the electronic monitoring will be paid to the vendor by the person wearing the device. However, if indigent individuals are not responsible, the DOC could be held responsible and have a potential savings/costs in fiscal years 2017 and 2018 and costs in 2019. Oversight assumes the budgeted cost avoidance in DOC's response is a minimal amount, but will reflect this for the proposal.

In response to a similar proposal from this year (SB 678), officials at the **City of Independence** assumed this bill does not specify responsibility for monitoring and enforcement of the electronic monitoring systems. This can place increased financial hardship on municipalities if they are charged with or responsible for the enforcement of this statute. The bill includes provisions for financial reimbursement, however, indigent individuals which would include a large number of those covered under the bill, are not responsible. Additionally, collection of those fees now falls to the municipality.

ASSUMPTION (continued)

In response to a similar proposal from this year (SB 678), officials at the **Office of the State Courts Administrator**, the **Department of Public Safety's Missouri Highway Patrol**, the **Department of Mental Health**, the **Department of Social Services**, the **Joint Committee on Administrative Rules**, the **Office of Prosecution Services** and the **Office of the State Public Defender** each assumed no fiscal impact to their respective agencies from this proposal.

In response to a similar proposal from this year (SB 678), officials at the **Boone County Sheriff's Department**, the **Cole County Sheriff's Department** and the **Springfield Police Department** each assumed no fiscal impact to their respective entities from this proposal.

§§476.055, 477.650 Extension of Statewide Court Automation Fund and Basic Civil Legal Services Fund:

In response to a similar proposal from this year (HCS for HB 2367), officials at the **Office of the State Courts Administrator** assumed this proposed legislation extends expiration dates for Statewide Court Automation Fund and the Basic Civil Legal Services Fund. Section 476.055 would extend the Statewide Court Automation fund until September 1, 2023. The fund is used for basic ongoing maintenance of the technological needs of the courts statewide and constitutes approximately 45 percent of our total automation expenditures, with the rest coming from general revenue. If the fund would be allowed to sunset in September 2018, the judiciary would anticipate a budget request for general revenue of approximately \$5 million and 34 FTE in fiscal 2019 and each year after that.

Section 476.650 would extend the Basic Civil Legal Services fund to December 31, 2025. The funds are distributed to the four Federal Legal Services Corporations in the State of Missouri to provide legal services in non-criminal matters to eligible low income persons. Over the last three years the fee has raised approximately \$2.9 million per year. If the fund would be allowed to sunset in December 2018, the judiciary would anticipate a budget request for general revenue of approximately \$2.9 million in fiscal 2019 and each year after that.

In response to a similar proposal from this year (HCS for HB 2367), officials at the **Office of the State Treasurer**, the **Office of the State Public Defender** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

**Oversight** notes this proposal extends the expiration dates on the Statewide Court Automation Fund and the Basic Civil Legal Services Fund to September 1, 2023 and December 31, 2025 respectively. Oversight will reflect the following revenue to be continued to be received into these two funds as a result of this bill as follows:

	<u>FY 2019</u>	<u>FY 2020 (full year)</u>
Statewide Court Automation Fund - expires September 1, 2018 (for 10 months in FY 2019)	\$4,166,667	\$5,000,000
Basic Civil Legal Services Fund - expires December 1, 2018 (for 6 months in FY 2019)	\$1,450,000	\$2,900,000

§476.083 Court Marshal:

In response to a similar proposal from this year (HB 1685), officials at the **Office of the State Courts Administrator (OSCA)** assumed the proposed legislation allows the presiding judge of certain circuits to appoint a circuit court marshal.

Callaway County (Circuit 13), qualifies for the appointment of a state paid circuit court marshal and St. Francois County (Circuit 24) currently has a state paid circuit court marshal. Section 476.083.2 states "the salary of a circuit court marshal shall be established by the presiding judge of the circuit..., such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit."

Circuit Court Marshall	\$51,372
Fringes	<u>\$27,612</u>
Total	\$78,984

In response to a similar proposal from this year (HB 1685), officials at the **Department of Corrections** and the **Department of Mental Health** each assume no fiscal impact to their respective agencies from this proposal.

§478.252 Armed Offender Docket Pilot Project:

In response to a similar proposal from this year (HB 2236), officials at the **Office of the State Courts Administrator** assumed the proposed legislation establishes the Armed Offender Docket

ASSUMPTION (continued)

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 FY15 for Jackson County are listed below:

- 6 - Armed Criminal Action
- 6 - Unlawful use of a weapon (Subsections 1-4)
- 2 - Unlawful possession of a firearm
- 1 - Unlawful possesses, transport, manufacture, repair/sale of illegal weapon
- 2 - Possession of a defaced firearm
- 1 - Discharge/shoot firearm at or from motor vehicle, shoot at person, another motor vehicle or building/habitable structure-physical injury/death

The selected charges disposed by guilty outcome during FY15 for Jackson County were 18. 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 similar legislation from 2015, HCS for 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.

In response to a similar proposal from this year (HB 2236), officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

In response to a similar proposal from this year (HB 2236), officials at the **Office of the State Public Defender** assume this proposed legislation will not increase the number of cases requiring representation, but may require a specialized docket defender attendance in additional locations.

In response to a similar proposal from this year (HB 2236), officials at the **Department of Higher Education** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

§§510.035, 545.950 Recordings or photographs of minors:

In response to a similar proposal from this year (HB 2202), officials at the **Department of Mental Health**, the **Office of Administration's Administrative Hearing Commission**, the **Department of Public Safety's Missouri Highway Patrol**, the **Office of the State Courts Administrator**, the **Department of Social Services**, the **Office of the State Public Defender**, the **Office of Prosecution Services**, the **Department of Corrections** and the **Department of Health and Senior Services** each assumed no fiscal impact to their respective agencies from this proposal.

In response to a similar proposal from this year (HB 2202), officials at the **Cole County Sheriff's Department**, the **St. Louis County Justice Services** and the **Springfield Police Department** each assumed no fiscal impact to their respective entities from this proposal.

In response to a similar proposal from this year (HB 2202), officials at the **Boone County Sheriff's Department** assumed no fiscal impact from this proposal.

§541.033 allows certain offenses to be prosecuted in the county in which the victim resides or conducts business;

In response to a similar proposal from this year (SB 658), officials at the **Office of the State Courts Administrator**, the **Department of Corrections**, the **Office of the State Public Defender** and the **Office of Prosecution Services** each assumed no fiscal impact to their respective agencies from this proposal.

§§542.296, 544.250, 545.400, 545.490 procedures in criminal proceedings;

In response to similar legislation from 2015, SB 382, officials at the **Office of the State Public Defender** assume these provisions will slow the deposition of cases and therefore will likely add to the time to disposition and to attorney time necessary for resolution. The provisions may also increase the number of jury trials. No depositions and investigators will need to spend more time in the field finding and interviewing folks. If the deposing party is required to pay for a copy of a deposition for the opposing party, it is likely the Public Defender will incur an additional annual \$87,000 in deposition costs.

In response to similar legislation from 2015, SB 382, officials at **Office of the Attorney General** assumed that any potential costs arising from this proposal can be absorbed with existing resources.

ASSUMPTION (continued)

In response to similar legislation from 2015, SB 382, officials at the **Office of the State Courts Administrator**, the **Department of Public Safety's Missouri Highway Patrol**, the **Department of Corrections** and the **Office of Prosecution Services** each assumed no fiscal impact to their respective agencies from this proposal.

§556.046 rational basis;

In response to a similar proposal from this year (SB 929), officials at the **Office of the State Courts Administrator**, the **Office of the State Public Defender** and the **Office of Prosecution Services** each assumed no fiscal impact to their respective agencies from this proposal.

§565.225 confidentiality program;

In response to a similar proposal from 2015 (SB 212), officials from the **Office of the Secretary of State** and the **Department of Public Safety - Missouri Highway Patrol** each assumed this proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Courts Administrator** and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are faced with the expanded definition of aggravated stalking to include accessing or attempting to access addresses for confidentiality programs.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

In response to a similar proposal from 2015 (SB 212), officials from the **Department of Corrections (DOC)** stated this bill proposes to add a sixth element to the existing aggravated stalking statute. An individual accessing or attempting to access an address of a participant in the address confidentiality program and harasses or follows with the intent of harassing another person is guilty of aggravated stalking.



ASSUMPTION (continued)

There were 35 new admissions for the class D felony of aggravated stalking in FY14. Twenty two were probation cases, three were 120 day admissions and ten served a term sentence averaging 24 months. There were no new admissions for the class C felony of aggravated stalking (previous) in FY14, to include term sentences or probation cases. Broadening the definition of this statute may lead to more convictions. The majority can still expect to receive probation for these violations.

The penalty provision component of this bill resulting in potential fiscal impact for DOC, is for up to a class D felony. Based upon historical data, we assume that approximately one offender per year would be sentenced to incarceration and 2 offenders in year one, 5 offenders in year two, 8 offenders in year three, and 9 offenders in year four and beyond would be sentenced to supervision under this new legislation. The average length of incarceration is 12 months and average length of supervision is 3 years. Full implementation of this legislation would occur in year 4.

The FY14 average cost of supervision was \$6.72 per offender per day or an annual cost of \$2,453 per offender. The DOC cost of incarceration was \$16.725 per day or an annual cost of \$6,105 per offender.

In summary, the DOC assumed an additional cost of \$9,176 in the first year (1 in prison and 2 on probation), \$18,737 in the second year (1 in prison and 5 on probation), and \$26,768 in the third year (1 in prison and 8 on probation).

**Oversight** assumes the DOC could absorb these potential additional offenders within their current appropriation levels.

§§566.209 - 566.213 sexual trafficking;

In response to a similar proposal (SB 804), officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Corrections**, and the **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

In response to a similar proposal (SB 804), officials from the **Office of Prosecution Services (OPS)** assume the proposal would have no measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine.

**Oversight** assumes the proposal would have no fiscal impact on the OPS.

ASSUMPTION (continued)

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons face the enhanced crime of sexual trafficking of a child to include advertising a child participating in a commercial sexual act.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

§§570.010 - 570.030 Theft from financial institution;

In response to a similar proposal from this year (HB 1594), officials from the **Department of Corrections (DOC)** stated this bill proposes to repeal and replace sections 570.010 and 570.030, RSMo, to include provisions relating to the physical taking or attempted physical taking of property owned or in the custody of a financial institution. Modified language defines “financial institution” in section 570.010. Section 570.030 includes addition of a class B felony for cases where “property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property”. The addition of financial institutions to this section only addresses the particular owner/custodian of the property with no further specification of the offense or value limit beyond what is already addressed in the statute.

In cases already classified as a class B felony because of monetary limit, subsequent offenses or certain conditions, there would be no change if this bill is enacted as those cases will already fall under class B felony provisions. However, since changes to this bill cover property in general with no monetary limit, we can assume that some percentage of current class C felonies would become newly charged as class B felonies solely on the basis that the property was in ownership/custody of a financial institution.

There is no way to determine how many current admissions for stealing offenses involved property in ownership/custody of a financial institution. In FY15, data indicates 464 new term admissions and 1,724 new probations for class C felony stealing offenses under section 570.030. A minimum estimate for those that would be diverted to class B felonies is perhaps 1% since this bill represents specific criteria. This would result in 5 court commitments and 17 probations receiving increased sentences when charged with a class B felony instead of class C. An increase

ASSUMPTION (continued)

in the population will occur after the offenders serve the time they would have served for the original class C stealing offense.

Review of other charges associated with section 570.030 provides insight on what may be expected for time under DOC supervision. Data from FY15 indicates that for each offender diverted, sentence length would increase by 2.5 years, time served by 18.5 months, time on parole by 1 year and probation terms by 0.5 years.

The additional time after time that would have been served anyway delays the increase in incarcerations to a partial increase in FY18, and full increase by FY19. Due to the longer sentence, offenders would not be on parole as early and would also have longer parole time. This increase will begin to occur in year 4 after the estimated 5 incarcerations have served the average 37 months. Probation will begin to increase in year 5 since the original class C average probation term was already 4.5 years.

Estimated impacts based on comparable offenses are attached, but the summarized impact on DOC is a total estimated increase of 7.5 incarcerations by FY19 and 42 offenders on field supervision by FY24.

Based upon estimated costs of \$6,135 per year for each person incarcerated and \$2,205 per year for each person supervised, the DOC assumes a cost of \$0 in FY 2017, \$15,644 (2.5 persons in prison and 0 supervised) in FY 2018, \$47,874 (7.5 persons in prison and 0 supervised), and a fully implemented cost in year 8 (FY 2024) of \$159,234 (7.5 persons in prison and 42 persons supervised).

§577.685 Illegal reentry;

In response to a similar proposal from this year (SB 612), officials from the **Department of Corrections (DOC)** stated this amendment adds language that would exempt aliens permitted to enter the United States under federal law and creates the offense of illegal reentry if a person who has been deported under the provisions of 8 U.S.C. Section 1326 returns to the state of Missouri. The offense is a class C felony. The enforcement of immigration laws is a federal responsibility and US law may take precedence over a state statute. The department has no information on the number of deported persons who have returned to Missouri without valid immigration documents.

The department estimates that one person per year will return and will be sentenced to prison. The class C felony is a new felony class in the revised criminal code that will become effective in

ASSUMPTION (continued)

January 2017. The Class C felony has an authorized sentence range from three to seven years.

There is no historical data for the new class C felony and the department estimates that sentences for the new class C felony will, on average, be 80% of class B sentences. Class B sentences have a sentence range from five to fifteen years.

The department estimates that the average sentence for a nonviolent Class C offense will be 6 years and the expected time served is 50% of the sentence, or 3 years. The offense is parole eligible and will serve 3 years on parole, unless the offender is detained by the US Citizenship and Immigration Services.

The FY15 average cost of supervision is \$6.04 per offender per day or an annual cost of \$2,205 per offender. The DOC cost of incarceration is \$16.809 per day or an annual cost of \$6,135 per offender.

In summary, DOC assumes cost of \$5,113 in FY 2017 (one offender in prison), \$12,515 in FY 2018 (2 offenders in prison), and \$19,149 in FY 2019 (three offenders in prison). Long term forecasts from DOC project 3.5 persons in prison with 3.5 persons on probation/parole.

\$589,800 ICU Pilot Program:

In response to a similar proposal from this year (SB 1036), officials from the **Department of Public Safety (DPS)** stated the legislation requires DPS to establish pilot program in the City of St. Louis that addresses the rising serious violent crime in neighborhoods located in that city.

This legislation also sets out goals of the pilot program, lists the minimum requirement of members of the intervention and compliance unit, creates the "Intervention and Compliance Unit Pilot Program Fund", and requires DPS to promulgate rules to implement the provisions of the legislation.

Due to the requirements set forth for the Department of Public Safety regarding this pilot program, DPS assumes the need for (1) FTE Program Specialist (at \$40,380 annually) to oversee and monitor this pilot program, including regular travel to St. Louis. DPS assumes a cost (including salary, fringe benefits, travel, and other expenses) of approximately \$65,000 annually for this additional FTE.

Oversight notes that DPS did not provide an estimate regarding the amount of appropriation needed to fund the ICU Pilot Program. Oversight will assume a cost of More than \$100,000 to

ASSUMPTION (continued)

the General Revenue Fund for implementation of the program.

§600.042 Delayed implementation of plan to establish district offices to December 2021;

In response to a similar proposal from this year (SB 705), officials from the **Office of the State Public Defender (SPD)** stated this bill postpones the required implementation date for public defender district offices to realign themselves concurrently with judicial circuits until after the 2020 realignment of judicial circuits authorized under Section 478.078, avoiding the likelihood that SPD would realign its offices to match existing judicial circuits by 2018 only to have to re-do those efforts two years later.

The SPD has 33 trial district offices serving 45 judicial circuits and 115 counties. By statute, office space for these district offices is provided and paid for by the counties served by that district office, each county paying a proportion of the total rent and utilities according to comparative population. Each time the geographic boundaries of a defender office's area of service are changed, the leases which the counties have signed and the respective payment obligations of all the counties involved, are also impacted. Because of the significant complications involved in realignment of offices, avoiding the necessity of back to back realignments makes fiscal and operational sense.

As stated by the SPD above, without this bill several office realignments may need to occur in 2018, which is shortly before the 2020 realignment of judicial circuits occurs (as authorized under Section 478.073). Therefore, **Oversight** concurs that this proposal may, in effect, save money for the state's SPD as well as the counties who help support them. It is not possible to measure the amount of potential savings to the state and counties until the details of the 2020 realignment are available.

For example, as part of the report submitted to fulfill requirements of Section 600.042, the SPD stated that currently there is a Public Defender (PD) District office in Callaway County (Fulton). Callaway County is currently part of the 13th Judicial Circuit along with Boone County. A PD District Office already exists in Columbia, so the office in Fulton will need to move to another location within the 12th Judicial Circuit (currently Audrain, Montgomery and Warren Counties). However, the 2020 realignment may possibly move Callaway County out of the 13th Judicial Circuit and into the 12th Judicial Circuit, which could allow the PD District Office to be moved back to Fulton.

At the very least, this bill will delay the expense of implementing the SPD office realignments from 2018 to 2021.

ASSUMPTION (continued)

For purposes of this fiscal note, **Oversight** will reflect a savings of More than \$100,000 in FY 2018 to the state as well as local political subdivisions, as the SPD realignment will be delayed until after the 2020 realignment of judicial circuits. In some cases, the costs may simply be delayed until 2020; however, in some cases, a cost avoidance (of moving twice in three years) may occur.

In response to a similar proposal from 2015 (SB 91), officials from the **SPD** stated that eliminating the biennial sweep of the Legal Defense and Defender Fund will assist the Public Defender System with budgeting of expenditures from the fund. A large percentage of the monies collected from prior public defender clients, is during the tax intercept season, March, April and May. This affords very little time to budget and expand the monies collected. Eliminating the sweep would allow constant fiscal year spending rather than a flurry at the end of every two years. The SPD states the biennial sweep of this fund occurs on odd number fiscal years (FY 2015).

**Oversight** notes that according to Office of the State Treasurer (STO) reports, the balance of Legal Defense and Defender Fund (0670) as of November 30, 2015 was \$142,838. The STO also noted that this fund has not had monies swept into the General Revenue Fund recently. Therefore, Oversight will assume the proposed changes regarding this fund would not have a fiscal impact on this fund or the General Revenue Fund.

§610.026 Research time charged for open records requests;

In response to a similar proposal, HB 2344, officials from the **Office of Administration - Budget and Planning** stated that currently, RSMo 610.026.1(1) allows public agencies, when fulfilling records requests, to charge fees for research time. This proposal specifies that research time includes time spent reviewing records to determine whether they are closed or are authorized to be closed. This could impact state agencies fulfilling such requests. This may increase Total State Revenue by an unknown amount and could impact the calculation under Article X, Section 18(e).

**Oversight** assumes this proposal may impact local law enforcement agencies in a similar manner as stated above by Office of Administration - Budget and Planning. For fiscal note purposes, Oversight will show an unknown positive impact to these agencies.

§650.055 DNA samples from felons;

In response to a similar proposal (SB 729), officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated their Crime Laboratory Division estimates that this

ASSUMPTION (continued)

proposal could potentially result in the collection of an additional 53,229 DNA samples each year, which is almost double the number of samples currently being processed annually. These calculations are based on the 2014 Missouri State Highway Patrol CJIS arrest statistics and the CLD 2014 arrestee offender sample intake. Current statutorily eligible arrestee samples received in 2013 were subtracted from the number of projected arrests from this proposal. This subtraction is believed to prevent duplication in sample count.

In 2009, the General Assembly passed HB 152 which expanded the DNA collection program to include persons arrested only for a felony under chapters 565, 566, and 569, RSMo. Currently, the Patrol is receiving approximately 50 percent of the predicted samples. Therefore, MHP assumes that to properly implement this proposal (under the assumption that 50 percent or 26,615 (53,229/2) of the samples will be submitted each year), the Patrol laboratory would need one additional FTE and additional funding for collection kits, reagents, and consumables. FTE needs and cost calculations are based on the unit's present processing capacity and operational costs.

1 Criminalist I (\$1,682.50 x 24)

\$40,380

This FTE would assist in the receipt, acceptance, tracking and storage of all samples; data entry, maintain equipment and supplies; expungement process; sample preparation for analysis; provide training; and advise and support law enforcement agencies.

The cost estimate for offender DNA collection kits, consumables, and reagent for sample processing and analysis is \$804,305 (\$30.22 x \$26,615).

§488.2206 Court surcharge in certain judicial circuits SA 1;

In response to a similar proposal from this year (SB 1012), officials at the **Office of the State Courts Administrator (OSCA)** assumed the proposed legislation allows any single noncharter county judicial circuit to collect a court surcharge to be used towards the maintenance and construction of judicial facilities. The 6<sup>th</sup> Circuit (Platte County), 7<sup>th</sup> Circuit (Clay County), 19<sup>th</sup> Circuit (Jasper County) and 31<sup>st</sup> Circuit (Greene County) qualify. Based on FY 2015 data, there were 40,890 filed civil cases and 43,878 filed criminal cases. OSCA anticipates the surcharge could be up to approximately \$847,680 (40,890 + 43,878 = 84,768 (\$10) = \$847,680)).

ASSUMPTION (continued)

§§569.132, 578.416 Creates the offense of intentionally weakening crops SA 2;

**Oversight** could not find similar legislation from this year. Oversight assumes this amendment would not create a material fiscal impact to the state.

§§537.570, 563.046 SA 5;

In response to a similar proposal from this year (SB 661), officials from the **Office of Administration (COA)** stated this proposed legislation provides that a person shall be liable for depriving another of a Missouri Constitutional right while acting under the color of law.

The state self-assumes its own liability under the state Legal Expense Fund, Section 105.711, RSMo. It is a self-funding mechanism whereby funds are made available for the payment of any claim or judgment rendered against the state in regard to the waivers of sovereign immunity or against employees and specified and individuals. Investigation, defense, negotiation or settlement of such claims is provided by the Office of the Attorney General. Payment is made by the Commissioner of Administration with the approval of the Attorney General.

If a claim were successfully brought against a state agency or a state employee alleging a violation of this proposal, the Legal Expense Fund could be required to pay such claim or claims.

In response to a similar proposal from this year (SB 661), officials from the **Attorney General's Office** assumed that any potential costs arising from this proposal could be absorbed with existing resources.

In response to a similar proposal from this year (SB 661), officials from the **Department of Social Services - Division of Legal Services (DSS - DLS)** stated the bill creates a new cause of action for damages and injunctive relief against state agencies and employees. DSS - DLS does not have sufficient data to provide an accurate estimate of the fiscal impact.

This statute establishes a legal cause of action for damages and injunctive relief against state and local governmental employees who allegedly interferes with a person's rights, privileges or immunities under the constitution and the laws of the State of Missouri. The liability could arise out of almost any aspect of DSS operations. Because DSS's programs cover a wide range of issues - from Medicaid to child welfare, from blind pensions to TANF, and touching the lives of over a million Missourians each year the scope of the risk of lawsuits, even baseless lawsuits, is very high.



ASSUMPTION (continued)

The Attorney General's office represents DSS employees who are sued for money damages during the course of their employment through the legal expense fund. The bill may pose a potential conflict for the AGO's office because the AGO's office has enforcement responsibilities under the law. However, in the past the AGO's office has provided legal counsel to defend state employees even where a conflict exists because they defend liability under the state legal expense fund. DSS assumes that the AGO's office will provide legal representation and pay any liability through the state legal expense fund.

Even in cases where the AGO's office represents DSS in court, DLS provides substantial litigation support to the AGO's office and legal advice to DSS in the defense of these cases. DLS, for example, routinely works closely with the AGO's office in responding to discovery requests and providing technical assistance on specialized areas of the law. Therefore, DLS staff will have a role in defending any lawsuits brought under this new statute.

The new statute is modeled on the federal statute that authorizes a cause of action for damages and injunctive relief in federal court for alleged violations of federal rights (See 42 USC 1983). DLS therefore assumes that litigation of these cases will follow the same general pattern as the similar types of cases in federal court. Lawsuits filed under 42 USC 1983 typically involve complex legal and factual issues. They are time intensive to defend and it sometimes can take several years to bring these cases to a conclusion. It is not unusual for a DLS lawyer to spend well over 20 hours on these types of cases, even where the AGO's office is the attorney of record.

The American Bar Association has recommended a caseload of between 40 and 60 cases for attorneys who handle child and family welfare matters. DLS estimates that a DLS lawyer could provide litigation support of about 40 of these types of cases.

DLS does not have data to determine the number of cases that may be filed under this new statute, how long they will take to litigate and how the courts will interpret the scope and extent of liability under this statute.

If we assume that DSS will have 100 such cases pending at one time DLS estimates it could need up to 3 additional FTE per 100 cases.

In summary, DSS - DLS ranges the fiscal impact of the proposal from \$0 to approximately \$215,000 per year for three additional Litigation Attorneys (each at \$42,500).

In response to a similar proposal from this year (SB 661), officials from the **Department of Public Safety (Missouri Highway Patrol, Fire Safety, and Capitol Police)**, and the

ASSUMPTION (continued)

**Department of Natural Resources** each assumed the proposal would not fiscally impact their respective agencies.

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

In response to a previous version, officials from the **Cole County Sheriff's Office**, the **Springfield Police Department**, and the **Boone County Sheriff's Office** each assumed the proposal would either have either minimal or no fiscal impact to their agency.

**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 -</u> <u>State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<b>GENERAL REVENUE</b>				
Income - able to charge for time spent reviewing records to determine whether closed or not §610.026	Unknown	Unknown	Unknown	Unknown
<u>Savings</u> - Department of Corrections - cost avoidance of not allowing offender to object to videoconferencing §§217.670, 217.690	\$23,400	\$28,361	\$28,644	\$28,644

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<u>Savings - Department of Corrections - cost avoidance on incarceration of 8 offenders wearing Electronic Monitoring Devices §455.095</u>	Up to \$19,383	Up to \$5,732	\$0	\$0
<u>Cost Avoidance and/or Cost Delaying - SPD - delaying the realignment of SPD offices until after the judicial circuit realignment §600.042</u>	\$0	More than \$100,000	\$0	\$0
<u>Cost - Department of Corrections - from indigent individuals being incarcerated §455.095</u>	(Up to \$14,617)	(Up to \$77,500)	(\$12,506 to \$139,851)	(\$12,506 to \$139,851)
<u>Cost- DOC cost of incarceration of parole violators - §217.722</u>	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
<u>Cost - DOR - administrative costs to implement changes for failure to yield changes §304.351</u>	(\$35,240)	\$0	\$0	\$0
<u>Cost - OSCA - Circuit Court Marshal for Callaway County §476.083</u>	(Up to \$78,984)	(Up to \$78,984)	(Up to \$78,984)	(Up to \$78,984)
	1 FTE	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
Costs - State Public Defender - copies of depositions §545.400	(\$72,500)	(\$89,175)	(\$91,404)	(\$91,404)
Costs - DOC - of incarceration or supervision of offenders §§570.010, 570.030	\$0	(\$15,644)	(\$47,871)	(\$159,234)
Costs - DOC - incarceration and/or supervision of offenders of illegal reentry §577.685	(\$5,113)	(\$12,515)	(\$32,873)	(\$32,873)
<u>Costs - DPS - Office of the Director</u>				
Personal Service	(\$33,650)	(\$40,784)	(\$41,192)	(\$41,192)
Fringe Benefits	(\$17,603)	(\$21,234)	(\$21,346)	(\$21,346)
Expense and Equip.	<u>(\$3,997)</u>	<u>(\$1,946)</u>	<u>(\$1,996)</u>	<u>(\$1,996)</u>
<u>Total Costs - DPS</u>	<u>(\$55,250)</u>	<u>(\$63,964)</u>	<u>(\$64,534)</u>	<u>(\$64,534)</u>
FTE Change - DPS	1 FTE	1 FTE	1 FTE	1 FTE
<u>Transfer Out - to the Intervention and Compliance Unit Pilot Program Fund §589.800</u>	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<u>Costs - MHP §650.055</u>				
Personal Service	(\$33,650)	(\$40,784)	(\$41,192)	(\$41,192)
Fringe Benefits	(\$29,309)	(\$35,523)	(\$35,878)	(\$35,787)
DNA Collection kits (26,615 x \$30.22)	<u>(\$804,305)</u>	<u>(\$804,305)</u>	<u>(\$804,305)</u>	<u>(\$804,305)</u>
<u>Total Costs - MHP</u>	<u>(\$867,264)</u>	<u>(\$880,612)</u>	<u>(\$881,375)</u>	<u>(\$881,375)</u>
FTE Change - MHP	1 FTE	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<u>Costs - DSS - DLS -</u> potential need for additional attorneys to assist the AGO	\$0 to...	\$0 to...	\$0 to...	\$0 to...
Personal Service	(\$106,250)	(\$128,775)	(\$130,063)	(\$130,063)
Fringe Benefits	(\$54,258)	(\$65,457)	(\$65,809)	(\$65,809)
Expense and Equip.	<u>(\$24,685)</u>	<u>(\$19,336)</u>	<u>(\$19,820)</u>	<u>(\$19,820)</u>
<u>Total Costs - DSS - DLS</u>	\$0 to	\$0 to	\$0 to	\$0 to
	(\$185,193)	(\$213,568)	(\$215,692)	(\$215,692)
FTE Change - DSS	0 or 3 FTE	0 or 3 FTE	0 or 3 FTE	0 or 3 FTE
 <b>ESTIMATED NET EFFECT TO GENERAL REVENUE</b>	 <b>(Could exceed <u>\$1,471,378</u>)</b>	 <b>(Could exceed <u>\$1,497,869</u>)</b>	 <b>(Could exceed <u>\$1,723,940</u>)</b>	 <b>(Could exceed <u>\$1,835,303</u>)</b>
Estimated Net FTE Change for General Revenue	3 FTE or 6 FTE	3 FTE or 6 FTE	3 FTE or 6 FTE	3 FTE or 6 FTE
 <b>HIGHWAY FUND</b>				
<u>Income - Additional</u> revenue from reinstatement fees for failure to yield §304.351	Less than \$100,000	Less than \$100,000	Less than \$100,000	Less than \$100,000
 <b>ESTIMATED NET EFFECT TO THE HIGHWAY FUND</b>	 <b>Less than <u>\$100,000</u></b>	 <b>Less than <u>\$100,000</u></b>	 <b>Less than <u>\$100,000</u></b>	 <b>Less than <u>\$100,000</u></b>

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<b>STATEWIDE COURT AUTOMATION FUND</b>				
<u>Income</u> - receipts received (FY '19 is for 10 months) §476.055	\$0	\$0	\$4,166,667	\$5,000,000
<b>ESTIMATED NET EFFECT ON STATEWIDE COURT AUTOMATION FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$4,166,667</u></b>	<b><u>\$5,000,000</u></b>
<b>BASIC CIVIL LEGAL SERVICES FUND</b>				
<u>Income</u> - receipts received (FY '19 is for 6 months) §477.650	<u>\$0</u>	<u>\$0</u>	<u>\$1,450,000</u>	<u>\$2,900,000</u>
<b>ESTIMATED NET EFFECT ON BASIC CIVIL LEGAL SERVICES FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$1,450,000</u></b>	<b><u>\$2,900,000</u></b>

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
 <b>INTERVENTION AND COMPLIANCE UNIT PILOT PROGRAM FUND</b>				
<u>Transfer In</u> - from General Revenue §589.800	More than \$100,000	More than \$100,000	More than \$100,000	More than \$100,000
<u>Costs</u> - DPS - Implementation of the ICU pilot program §589.800	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )
 <b>ESTIMATED NET EFFECT TO THE INTERVENTION AND COMPLIANCE UNIT PILOT PROGRAM FUND</b>	 <b><u>\$0</u></b>	 <b><u>\$0</u></b>	 <b><u>\$0</u></b>	 <b><u>\$0</u></b>

<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<b>LOCAL POLITICAL SUBDIVISIONS</b>				
Income - Cities and Counties Additional revenue from reinstatement fees from failure to yield §304.351	Less than \$100,000	Less than \$100,000	Less than \$100,000	Less than \$100,000
Revenues - Local School Districts Income from fines for failure to yield §304.351	Could exceed \$100,000	Could exceed \$100,000	Could exceed \$100,000	Could exceed \$100,000
Income - able to charge for time spent reviewing records to determine whether closed or not §610.026	Unknown	Unknown	Unknown	Unknown
<u>Revenue</u> - St. Louis City - proceeds from the state for the Intervention and Compliance Unit Pilot Program §589.800	Unknown	Unknown	Unknown	Unknown



<u>FISCAL IMPACT - Local Government</u> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
Cost Avoidance and/or Cost Delaying - SPD - delaying the realignment of SPD offices until after the judicial circuit realignment §600.042	\$0	More than \$100,000	\$0	\$0
Revenue - 6 <sup>th</sup> , 7 <sup>th</sup> , 19 <sup>th</sup> , and 31 <sup>st</sup> Judicial Circuits (§488.2206 SA 1)	<u>Up to \$847,680</u>	<u>Up to \$847,680</u>	<u>Up to \$847,680</u>	<u>Up to \$847,680</u>
<b>ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS</b>	<b>Could exceed <u>\$847,680</u></b>	<b>Could exceed <u>\$847,680</u></b>	<b>Could exceed <u>\$847,680</u></b>	<b>Could exceed <u>\$847,680</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

§§217.670, 217.690 - Currently, the use of videoconferencing must not be used if the offender, the victim, or the victim's family objects. This bill removes the offender from the list of individuals who can object. The bill also removes the requirement that the parole board conduct a personal interview with the offender, permitting the interview to be conducted via videoconferencing.

§217.722 requires a probation officer who has probable cause to believe a probationer has violated a condition of probation to notify the prosecuting or circuit attorney.

FISCAL DESCRIPTION (continued)

§304.351 increases the penalties for the offense of failing to yield the right-of-way and the time period the court may order the suspension of a person's driving privilege for the offense.

§455.095 provides that a court may place a person on electronic monitoring with victim notification if the person is charged with, or has been found guilty of, violating an order of protection. Electronic monitoring with victim notification is defined as a monitoring system that can monitor the movement of a person and immediately transmit the person's location to the victim and local law enforcement when the person enters a certain area.

§476.055 - the Statewide Court Automation Fund fee is set to expire on September 1, 2018; this bill extends the expiration date to September 1, 2023. The Court Automation Committee is currently required to complete its duties prior to September 1, 2020, this bill extends that date to September 1, 2025.

§477.650 - the Basic Civil Legal Services Fund is currently set to expire on December 31, 2018. This bill extends the expiration date to December 31, 2025.

§476.083 allows the presiding judge of a circuit with a diagnostic and reception center and a mental health facility which houses individuals found not guilty by reason of mental disease or defect, and provides sex offender rehabilitation and treatment services, to appoint a court marshal.

§545.400 - Current law allows the defendant in any criminal case to depose witnesses. This act allows any party to depose witnesses in felony cases and provides that depositions in misdemeanor cases may only be taken upon court order. Under this act, the party taking the deposition must provide a copy of the transcript and any recording from the deposition to the other party.

§§570.010, 570.030 - changes the laws regarding the crime of stealing to include the appropriating or attempted appropriation of property owned by or in the custody of a financial institution in order to deprive the owner or custodian of the property. The offense is a class B felony.

FISCAL DESCRIPTION (continued)

§577.685 creates the crime of illegal reentry. An illegal alien commits the crime of illegal reentry if he or she has been removed from the United States under federal law and thereafter:

1. Enters this state and commits a misdemeanor offense of assault or domestic assault or any felony offense; or
2. Commits an offense in any other state that would be considered a misdemeanor offense of assault or domestic assault or a felony offense, and thereafter enters this state.

Illegal reentry is punishable as a Class C felony. Any person in charge of a facility in which an illegal alien is detained upon arrest for the offense of illegal reentry shall transfer custody of such illegal alien to the United States Immigration and Customs Enforcement as soon as practicable.

§589.800 requires the Department of Public Safety to establish the Intervention and Compliance Unit Pilot Program in St. Louis City with the purpose of reducing and preventing violent crime. The program shall develop policies and procedures to focus on early detection of violent criminal behavior, address crime recidivism, and collect and monitor crime data, as well as develop strategies for improving mental and social service programs which address needs for reducing violent crime.

§600.042 - Under current law, the director of the State Public Defender System must implement a plan to establish district offices that align with judicial circuit boundaries by December 31, 2018. This act extends the date of implementation to December 31, 2021. In addition, current law allows unexpended funds of up to \$150,000 to remain in the Legal Defense and Defender Fund at the end of the fiscal year. This act removes the cap, so all unexpended money remains in the fund.

§610.026 - modifies provisions relating to the Sunshine Law. Currently, allowable fees for providing public records includes research time for fulfilling requests. This proposal includes time spent reviewing records to determine whether or not the records are closed or authorized to be closed. A public body may waive or reduce fees if such waiver or reduction is in the public interest because the applicable fees are minimal and should be waived for administrative efficiency. Payment of copying, search, research and duplication fees may be requested prior to the making of copies or production of records.

§650.055 - under current law, every individual who is 17 years old or older and is arrested for burglary, sex-related felonies, and certain felonies committed against a person must provide a biological sample for DNA profiling analysis. This proposal requires every individual who is 17

FISCAL DESCRIPTION (continued)

years old or older who is arrested for any felony offense to provide a biological sample for DNA profiling.

§488.2206 - provides that any single noncharter county judicial circuit, rather than just the Thirty-First Judicial Circuit, shall collect a surcharge of up to ten dollars in all cases to be deposited in an account known as the "Justice Center Fund." In addition to costs associated with the construction, maintenance, and operation of a judicial facility, the act states that the funds from the surcharge may be used for the planning, including architectural and engineering plans, of a judicial facility or justice center.

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 Public Defender  
Department of Health and Senior Services  
Department of Corrections  
Office of Prosecution Services  
Office of the State Courts Administrator  
Office of Prosecution Services  
Department of Revenue  
Department of Transportation  
Department of Insurance, Financial Institutions and Professional Registration  
Department of Social Services  
Joint Committee on Administrative Rules  
Office of the State Treasurer  
Department of Mental Health  
Attorney General's Office  
Department of Higher Education  
Office of Administration  
Office of the Secretary of State  
Boone County Sheriff's Office  
St. Louis County Police

SOURCES OF INFORMATION (continued)

Kansas City  
St. Louis County  
City of Independence  
Cole County Sheriff's Office  
Springfield Police Department

Mickey Wilson, CPA

Director  
April 27, 2016



Ross Strope  
Assistant Director  
April 27, 2016