

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5163-02
Bill No.: Perfected HCS for HB 1765
Subject: Property, Real and Personal; Firearms; Crimes and Punishment
Type: Original
Date: April 21, 2016

Bill Summary: This proposal changes provisions relating to judicial proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2024)
General Revenue	\$0	(\$15,644)	(\$47,871)	(\$159,234)
Total Estimated Net Effect on General Revenue	\$0	(\$15,644)	(\$47,871)	(\$159,234)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2024)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2024)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2024)
Total Estimated Net Effect on FTE	0	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 2017	FY 2018	FY 2019	Fully Implemented (FY 2024)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§192.2260, 192.2405, 192.2410, 192.2475, 198.070, 217.360, 217.670, 217.690, 221.111, 301.559, 339.100, 400.9-501, 557.021, 562.014, 565.188, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 577.001, 577.060, 578.007, 578.022, 632.520

In response to similar legislation this year, SCS for SB 663, officials from the **Department of Health and Senior Services** and the **Office of the Secretary of State** each assumed no fiscal impact to their respective agencies from this proposal.

§513.430

Officials at the **Department of Corrections (DOC)** state this proposal deals with personal property and this change would add in the following exemption of personal property: (12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five hundred dollars in value in the aggregate. This would not have an impact on the DOC.

§568.040

Officials at the **Department of Corrections (DOC)** state this proposal deals with child support payments. The substantive meaning of this statute and the maximum penalty (currently a Class D Felony and a Class E Felony after January 1st, 2017) is left unchanged. The changes in this bill simply use the word "offender" rather than "defendant" when talking about a person who has been convicted of nonsupport. This would not have any impact on the DOC.

§569.140

In response to similar legislation this year, SB 914, 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 new expanded definition of criminal trespass.

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.

ASSUMPTION (continued)

Officials at the **Department of Corrections (DOC)** state this proposal deals with the offense of Trespass in the First Degree. This offense is currently a Class B Misdemeanor, a crime which would not require DOC supervision. The changes proposed under this bill would include some additional language to describe where trespassing could occur, stating that trespassing may now cover, "a temporary or permanent privately owned structure attached to the building, structure, or property." This would not add any new crimes or change the severity of this offense.

§§ 570.010 & 570.030 - Crime of physical taking or attempted taking of property owned or in the custody of a financial institution:

Officials from the **Department of Corrections (DOC)** state 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. Estimated impacts based on comparable offenses are below, 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. In summary the following cost would occur for DOC:

FY 2017 = \$0
FY 2018 = \$15,644 (2.5 incarcerations)
FY 2019 = \$47,871 (7.5 incarcerations)
FY 2024 = \$159, 234 (7.5 incarcerations, 42 probation/paroles)

§ 570.135

Officials at the **Department of Corrections (DOC)** state this proposal deals with credit and debit card fraud. This bill adds the following condition to the statute, "(3) Knowingly possesses a fraudulently obtained credit or debit device..." and says anyone violating this statute will be "criminally" liable but does not define any criminal penalties. Thus, it creates no offense or new crime which would be supervised by the DOC and should be considered to have no impact.

ASSUMPTION (continued)

Bill as a whole

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 charged with the proposed new crime of appropriating or attempting to appropriate property that 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 would be a new class B felony nor can existing staff provide effective representation for any indigent clients faced with the new expanded definition of criminal trespass.

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.

Officials at the **Joint Committee on Administrative Rules** assume the legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials at the **Office of the Attorney General (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in cases.

Officials at the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Social Services**, the **Missouri Department of Transportation**, the **Department of Public Safety's Missouri Highway Patrol**, the **Office of the State Courts Administrator**, the **Department of Revenue**, the **Office of Prosecution Services** and the **Department of Agriculture** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

House Amendment #1

Officials at the **Department of Conservation** assume this proposal would have a unknown negative fiscal impact but less than \$100,000 as it will impact conservation agent work activities when they receive calls to enforce the provisions.

Oversight assumes the Department of Conservation can absorb any fiscal impact from this proposal.

Officials at the **Missouri Department of Transportation**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Social Services**, the **Department of Agriculture**, the **Department of Mental Health**, the **Department of Revenue** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

In response to similar legislation this year, Perfected SS #2 for SCS for SB 590, officials at the **Office of the Attorney General (AGO)** assumed that any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in cases.

In response to similar legislation this year, Perfected SS #2 for SCS for SB 590. officials at the **Joint Committee on Administrative Rules** and the **Office of the State Courts Administrator** each assumed no fiscal impact to their respective agencies from this proposal.

In response to similar legislation this year, Perfected SS #2 for SCS for SB 590, officials from the **Office of the Secretary of State (SOS)** stated many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2024)
GENERAL REVENUE				
<u>Costs - DOC - incarceration or supervision of offenders (§§570.010 & 570.030)</u>	<u>\$0</u>	<u>(\$15,644)</u>	<u>(\$47,871)</u>	<u>(\$159,234)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0</u>	<u>(\$15,644)</u>	<u>(\$47,871)</u>	<u>(\$159,234)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2024)
	<u>\$0</u>	<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

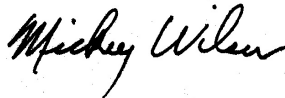
§§ 570.010 & 570.030 - STEALING

Under this bill, it is a class B felony to physically take or attempt to take property from a person when the property is owned by or in the custody of a financial institution. Physically taking property from a person is currently a class D felony, unless the property is \$25,000 or more in which case it is a class C felony. Financial institution is defined as a bank, trust company, savings and loan association, or credit union.

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
Missouri Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator
Department of Corrections
Department of Revenue
Department of Insurance, Financial Institutions and Professional Registration
Office of the Secretary of State
Department of Transportation
Department of Agriculture
Department of Mental Health
Attorney General's Office
Department of Health and Senior Services
Joint Committee on Administrative Rules
Department of Social Services
Office of the Attorney General
Missouri Department of Transportation



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April 21, 2016

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