

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6047-03
Bill No.: Perfected HCS for HB 2332
Subject: Crimes and Punishment; Criminal Procedure
Type: Original
Date: April 5, 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	(More than \$234,234)	(More than \$259,382)	(More than \$292,976)	(More than \$412,005)
Total Estimated Net Effect on General Revenue	(More than \$234,234)	(More than \$259,382)	(More than \$292,976)	(More than \$412,005)

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 14 pages.

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

* Transfers-In and Costs assumed to net to \$0.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2020)
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 2020)
General Revenue	2 FTE	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE	2 FTE

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 2020)
Local Government*	\$0	\$0	\$0	\$0

* Transfers-In and Costs assumed to net to \$0.

FISCAL ANALYSIS

ASSUMPTION

Due to time constraints, **Oversight** prepared the fiscal note for the original bill without some agency responses. Oversight has since received responses from the impacted agencies and has incorporated their estimates into this fiscal note.

§§476.055 and 476.650 - extension of Statewide Court Automation Fund and Basic Civil Legal Services Fund:

Officials at the **Office of the State Courts Administrator** assume 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.

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

ASSUMPTION (continued)

§§ 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.

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 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

ASSUMPTION (continued)

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).

§ 589.800 - Intervention and Compliance Unit Pilot Program in the City of St. Louis:

In response to a bill with similar provision (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 the General Revenue Fund for implementation of the program.

ASSUMPTION (continued)

Bill as a whole:

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Department of Transportation, Department of Public Safety - Missouri Highway Patrol, Department of Insurance, Financial Institutions and Professional Registration, Department of Mental Health, Department of Revenue, Department of Social Services,** and the **Department of Agriculture** each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version of this proposal, officials from the **Department of Health and Senior Services** and the **Office of the State Public Defender** each assumed the proposal would not fiscally impact their respective agencies.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal would not have a 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.

According to officials from the **Office of the Secretary of State (SOS)**, 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, we also recognize 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 our office can sustain with our core budget. Therefore, we reserve 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.

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

ASSUMPTION (continued)

House Amendment 1 - Armed Offender Docket Pilot Program in Jackson County:

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 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 possession, 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** assumed 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** assumed this proposed legislation will not increase the number of cases requiring representation, but may require a specialized docket defender attendance in additional locations.

ASSUMPTION (continued)

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 assumed no fiscal impact to their respective agencies from this proposal.

House Amendment 2 - Law Enforcement Officer Dog:

Oversight assumes this amendment would not create a fiscal impact.

House Amendment 3 - Multidisciplinary Investigation Team:

Oversight assumes this amendment would not create a fiscal impact.

House Amendment 4 - Circuit Court Marshal in Callaway County:

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

<u>FISCAL IMPACT - State</u> <u>Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2024)
GENERAL REVENUE				
<u>Costs - DPS - Office of the Director §589.800</u>				
Personal Service (1 FTE)	(\$33,650)	(\$40,784)	(\$41,192)	(\$43,293)
Fringe Benefits	(\$17,603)	(\$21,234)	(\$21,346)	(\$22,540)
Expense and Equipment	<u>(\$3,997)</u>	<u>(\$1,946)</u>	<u>(\$1,996)</u>	<u>(\$2,257)</u>
<u>Total Costs - DPS</u>	(\$55,250)	(\$63,964)	(\$64,534)	(\$68,090)
FTE Change - DPS	1 FTE	1 FTE	1 FTE	1 FTE
<u>Transfer Out - to 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 - DOC - incarceration or supervision of offenders §§ 570.010 & 570.030</u>	\$0	(\$15,644)	(\$47,871)	(\$159,234)
<u>Cost - OSCA - Circuit Court Marshal for Callaway County §476.083</u>	(Up to <u>\$78,984</u>)	(Up to <u>\$79,774</u>)	(Up to <u>\$80,571</u>)	<u>(Up to \$84,681)</u>
FTE Change - OSCA	1 FTE	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT TO THE GENERAL REVENUE	<u>(More than \$234,234)</u>	<u>(More than \$259,382)</u>	<u>(More than \$292,976)</u>	<u>(More than \$412,005)</u>
 Estimated Net FTE Change	 2 FTE	 2 FTE	 2 FTE	 2 FTE

<u>FISCAL IMPACT - State</u> <u>Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2024)
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**INTERVENTION AND
 COMPLIANCE UNIT
 PILOT PROGRAM FUND**

<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
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<u>Costs</u> - DPS - Implementation of the ICU pilot program	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)
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**ESTIMATED NET
 EFFECT TO THE
 INTERVENTION AND
 COMPLIANCE UNIT
 PILOT PROGRAM FUND**

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - State</u> <u>Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
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**STATEWIDE COURT
 AUTOMATION FUND**

<u>Income</u> - receipts received (FY '19 is for 10 months) §476.055	<u>\$0</u>	<u>\$0</u>	<u>\$4,166,667</u>	<u>\$5,000,000</u>
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**ESTIMATED NET
 EFFECT ON STATEWIDE
 COURT AUTOMATION
 FUND**

	<u>\$0</u>	<u>\$0</u>	<u>\$4,166,667</u>	<u>\$5,000,000</u>
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<u>FISCAL IMPACT - State</u> <u>Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
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**BASIC CIVIL LEGAL
 SERVICES FUND**

<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>
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ESTIMATED NET EFFECT ON BASIC CIVIL LEGAL SERVICES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$1,450,000</u>	<u>\$2,900,000</u>
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<u>FISCAL IMPACT - Local</u> <u>Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
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**LOCAL POLITICAL
 SUBDIVISIONS**

<u>Revenue</u> - St. Louis City - proceeds from the state for the Intervention and Compliance Unit Pilot Program \$589.800	Unknown	Unknown	Unknown	Unknown
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<u>Costs</u> - St. Louis City - to implement, with DPS, the ICU Pilot Program \$589.800	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

§§476.055 and 476.650 - 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.

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.

§§ 570.010 & 570.030 - this bill 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.

§ 589.800 - This act 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.

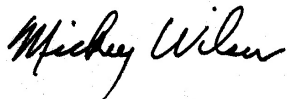
The program shall expire in six years after the effective date of this act unless reauthorized by the General Assembly.

House Amendment 4 (§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.

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



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