

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 6047-04  
Bill No.: SCS for HCS for HB 2332  
Subject: Criminal Procedure; Crimes and Punishment; Weapons; Drunk Driving/Boating  
Type: Original  
Date: April 25, 2016

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Bill Summary: This proposal modifies provisions related to criminal offenses.

**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>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<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>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

<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>Total Estimated Net Effect on <u>All</u> Federal Funds</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>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

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

In response to a previous version of the proposal, officials from the **Department of Health and Senior Services**, and the **Department of Transportation** each assumed 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 charged with the enhanced penalties for engaging as a motor vehicle dealer without a license a second and subsequent time will become a new class E felony.

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.

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

In response to a similar proposal from this year (SCS for SB 663), officials from the **Department of Corrections (DOC)** stated 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.

For a new class D felony it is assumed that 3 offenders per year would be sentenced for the offense, one to prison and 2 to probation. Probationers would serve an average of 3 years and an

ASSUMPTION (continued)

offender would serve an average of 12 months in prison and three years on parole. The impact for the class D felony is one additional offender in prison and eight on supervision.

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 a cost of \$8,788 in FY 2017 (1 offender in prison and 2 on probation/parole), \$16,379 in FY 2018 (1 offender in prison and 4.5 on probation/parole), and \$23,588 in FY 2019 (1 offender in prison and 7.5 on probation/parole).

**Oversight** assumes these amounts could be absorbed within existing DOC appropriations. Therefore, Oversight will assume the proposal will not have a material fiscal impact upon the Department of Corrections.

Section 577.037

In response to a similar proposal from this year (SB 1014), officials from the **Department of Transportation, Department of Public Safety - Missouri Highway Patrol, Office of the State Courts Administrator, Office of the State Public Defender, Department of Health and Senior Services, Office of Prosecution Services,** and the **City of Kansas City** each assumed the proposal would not fiscally impact their respective agencies.

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

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<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

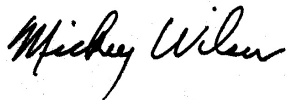
The proposed legislation appears to have no direct fiscal impact.

Section 577.037 regarding admissibility of chemical tests contains an emergency clause.

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 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



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April 25, 2016

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April 25, 2016