

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6047-07
Bill No.: SS for SCS for HCS for HB 2332
Subject: Criminal Procedure; Crimes and Punishment; Weapons; Drunk Driving/Boating
Type: Original
Date: May 13, 2016

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

In response to a previous version, 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 assumed 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.

In response to a previous version, 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.

In response to a previous version, 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 563.046

In response to a similar proposal from this year (HB 1535), officials from the **Department of Public Safety - Missouri Highway Patrol, Department of Natural Resources, Department of Social Services - State Technical Assistance Team, Boone County Sheriff's Department, Cole County Sheriff's Department, and the Springfield Police Department** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar proposal from this year (HB 1535), 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 (HB 1535), officials from the **Missouri Department of Conservation (MDC)** assumed an unknown negative fiscal impact on their agency.

Oversight assumes the proposal will not have a fiscal impact on the MDC.

Sections 577.010, 577.012, 577.013 and 577.014

Oversight assumes these section have no fiscal impact on state or local governments.

ASSUMPTION (continued)

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.

Section 578.007

In response to a similar version from this year (SB 721), 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 animal or livestock trespassing. 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.

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

In response to a similar version from this year (SB 721), officials at the **Department of Conservation** assumed this proposal will have an unknown negative fiscal impact 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.

In response to a similar version from this year (SB 721), officials at the **Office of Prosecution Services** assumed this proposal will have no measurable fiscal impact to their organization. The creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional cost which are difficult to determine.

In response to a similar version from this year (SB 721), officials at the **Office of State Courts Administrator, Department of Agriculture, Department of Public Safety - Highway Patrol, and Department of Corrections** each assumed this proposal will not have a fiscal impact on their respective organizations.

<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

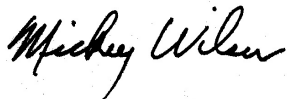
The proposed legislation appears to have no direct fiscal impact.

Section 563.046 regarding 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



Mickey Wilson, CPA
Director
May 13, 2016

Ross Strobe
Assistant Director
May 13, 2016