

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4251-01
Bill No.: SB 710
Subject: Crimes and Punishment; Drugs and Controlled Substances; Drunk
Driving/Boating
Type: Original
Date: February 1, 2018

Bill Summary: This proposal defines the offense of driving with prohibited blood alcohol or drug content.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|--|------------|------------|------------|
| FUND AFFECTED | FY 2019 | FY 2020 | FY 2021 |
| | | | |
| Total Estimated Net Effect on General Revenue | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2019 | FY 2020 | FY 2021 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2019 | FY 2020 | FY 2021 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------|----------|----------|
| FUND AFFECTED | FY 2019 | FY 2020 | FY 2021 |
| | | | |
| | | | |
| 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 2019 | FY 2020 | FY 2021 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol, Department of Transportation and Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations.

Officials at the **Department of Revenue (DOR)** assume the following regarding this proposal:

§577.012

The proposed language removes "excessive" blood alcohol content and replaces it to read "prohibited blood alcohol or drug content" throughout the section.

The proposed language is creating the offense of operating a vehicle under a controlled substance. The presence of a controlled substance is obtained through the analysis of a person's bodily fluids after the individual was operating a motor vehicle. This section allows the person to assert the affirmative defense that the controlled substance present in that person's bodily fluids was prescribed for that person and taken in accordance with medical direction.

Administrative Impact

To implement the proposed legislation, the Department will be required to:

- Work with the State Judicial Records Committee (SJRC) to create new charge codes;
- Work with OA-ITSD to map the new charge codes into the existing MODL codes;
- Change the MODL description for the offense of "Excessive Blood Alcohol Content" to "Prohibited Blood Alcohol or Drug Content";
- Update forms and website, and;
- Train staff.

FY 2019 - Driver License Bureau

| | | |
|-----------------------------|----------------------------|------------------|
| Management Analysis Spec II | 160 hrs. @ \$20.57 per hr. | = \$3,291 |
| Revenue Manager Band I | 40 hrs. @ \$25.05 per hr. | = <u>\$1,002</u> |
| Total | | = \$4,293 |

FY 2019 - Personnel Services Bureau

| | | |
|----------------------------|---------------------------|---------|
| Administrative Analyst III | 40 hrs. @ \$19.43 per hr. | = \$777 |
|----------------------------|---------------------------|---------|

| | | |
|-------------------|--|------------------|
| Total Cost | | = \$5,070 |
|-------------------|--|------------------|

ASSUMPTION (continued)

Administrative Impact (continued)

OA-ITSD services will be required at a cost of \$5,346 (71.28 hours x \$75 per hour) in FY 2019.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

Officials at the **Office of the State Courts Administrator** assume the fiscal impact of this proposal is unknown. There may be some impact but there is no way to quantify the impact at this time. Any significant changes will be reflected in future budget requests.

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 driving with any amount of controlled substance present in their person.

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.

| <u>FISCAL IMPACT - State Government</u> | FY 2019 (10 Mo.) | FY 2020 | FY 2021 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2019 (10 Mo.) | FY 2020 | FY 2021 |
|---|---------------------|------------|------------|
| | <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.

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
Department of Transportation
Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator
Department of Revenue

Ross Strope



Acting Director
February 1, 2018