# COMMITTEE ON LEGISLATIVE RESEARCH OVERSIGHT DIVISION

### **FISCAL NOTE**

L.R. No.: 4534-02

Bill No.: SCS for HB 1769

Subject: Criminal Procedure; Crimes and Punishment; Courts; State Auditor; Victims of

Crimes; Public Officers; Lobbying; Drugs and Controlled Substances; Sexual Offenses; Alcohol; Boats and Watercraft; Drunk Driving; Boating Fees;

Insurance-Automobile; Civil Penalties; Secretary of State

Type: Original

Date: March 12, 2018

Bill Summary: This proposal modifies certain provisions relating to criminal offenses.

# **FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND											
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2027)							
General Revenue	\$0	\$0	\$0	(\$1,345,194)							
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0	(\$1,345,194)							

ESTIMATED NET EFFECT ON OTHER STATE FUNDS										
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2027)						
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0	\$0						

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

L.R. No. 4534-02 Bill No. SCS for HB 1769

Page 2 of 14 March 12, 2018

ESTIMATED NET EFFECT ON FEDERAL FUNDS											
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2027)							
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 2019	FY 2020	FY 2021	Fully Implemented (FY 2027)						
Total Estimated Net Effect on FTE	0	0	0	0						

<sup>☐</sup> 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	Fully Implemented (FY 2027)						
Local Government	\$0	\$0	\$0	\$0						

L.R. No. 4534-02 Bill No. SCS for HB 1769 Page 3 of 14 March 12, 2018

### FISCAL ANALYSIS

### **ASSUMPTION**

Officials from the **Department of Corrections (DOC)** state this bill has changed completely from its first filing. It incorporates topics from three fiscal notes, two answered this year and one from last year. An additional topic concerns residing within one thousand feet of the property line of a former victim of such person who must notify the county sheriff (RSMo 566.147). Determining how many violations will occur when offenders who live within one thousand feet of their victim is problematic.

The other primary topics of interest are covered in three different fiscal notes, FN6091-01, FN0700-02(2017), and FN4428-03 and those responses apply.

RE: 6091-01 BILL#: HB 2350

§§ 303.025, 488.029, 556.061, 565.252, 577.001, 577.010, 577.013, 577.014, 579.065, 579.068, and 595.045

This bill makes wording corrections and adds additional stipulations to current criminal statutes. The first pertains to RSMo 303.025 which changes the penalty by deleting jail time/fines and replacing that penalty with a class C misdemeanor. Chapter 579 (controlled substance offenses) is added to RSMo 488.029 which allows courts to charge \$150 crime lab fees if applicable. The invasion of privacy statute is updated by adding "views" to the criminal elements of that offense.

Drug trafficking criteria is clarified by dropping the high end figure for the various drug types (i.e., 30-90 grams) and stating above a specific number (i.e., More than 30 grams). Clarification was added to the dangerous felon definition as it applies to "habitual offender" or "habitual boating offender". Finally, the courts can require felons to pay fees to the "Crime Victims Compensation Fund". Class E felony was excluded and has now been added which allows for a \$46 fee.

Excluding the class C misdemeanor, which DOC does not supervise, no new criminal penalties were created.

L.R. No. 4534-02

Bill No. SCS for HB 1769

Page 4 of 14 March 12, 2018

## ASSUMPTION (continued)

RE: 0700-01 BILL#: HB 303

§§ 400.9-501, 442.135, and 570.095

This legislation is similar to FN 4884-01, HB 1858 (2016), but there are a number of significant changes. This legislation removes a Class E felony for filing false documents in RSMo 400.9-501 and replaces it with a Class D/Class C felony in the newly created RSMo 570.095. The language in the newly created section is more specific than that in the current statute, and allows for a Class D felony for first time offenders, with an enhancement to class C for repeat offenders or offenses against certain government officials, police, fire fighters, etc. While this change makes the legislation more clear, it does not appear that any new actions would be considered a crime under these changes.

The current legislation found in RSMo 400.9-501 was modified in 2014 to introduce the criminal penalty. No charge code was ever created for this statute, and the legislation is still quite new, meaning that good data for the current impact is unknown. Thus, this will be treated as a new offense; further, as this offense is expected to be quite rare, only the D felony version will be considered. Under this situation, 3 individuals will be sentenced to prison and 5 to probation in each fiscal year. For incarcerated individuals, the average sentence is 4.8 years, with a total of 2.9 years in prison and 1.9 years on parole; the probationers serve a 3.0 year term.

Total Impact of a New Class D Non-Violent Offense FY2018 FY2019 FY2020 FY2021 FY2022 FY 2023 FY2024 FY2025 FY2026 FY2027 New Admissions 3.0 3.0 3.0 3.0 30 3.0 3.0 3.0 3.0 3.0 Probations 5.0 5.0 5.0 5.0 50 5.0 5.0 5.0 5.0 5.0 Cumulative Populations 8.7 8.7 8.7 Prison 3.0 6.0 8.7 87 8.7 8.7 8.7 Parole 5.7 5.7 5.7 5.7 5.7 0.3 3.3 5.7 Probation 5.0 10.0 15.0 150 15.0 15.0 15.0 15.0 15.0 15.0 Impact Prison Population 3.0 6.0 8.7 8.7 87 8.7 8.7 8.7 8.7 8.7 Field Population 5.0 10.0 15.3 18.3 207 20.7 20.7 20.7 20.7 20.7

Thus, this legislation is estimated to increase the prison population by 8.7 individuals by FY2020, and increase the field population to 20.7 by FY2022.

27.0

294

29.4

29.4

29.4

24.0

8.0

16.0

Population Change

L.R. No. 4534-02 Bill No. SCS for HB 1769 Page 5 of 14 March 12, 2018

# <u>ASSUMPTION</u> (continued)

RE: 4428.01 SB 589

# §§ 556.061 and 579.020

The bill proposes to make the distribution of a controlled substance that contains heroin a class B felony an increase from a Class C felony.

In FY17, the average sentence for the distribution of a controlled substance (as a class C felony) was 6.4 years and the time to first release was 2.1 years. If the offense for distributing heroin became a class B felony, the average sentence would be 8.3 years and the time to first release would be 2.7 years. The impact includes an estimate of 40% of the sentence after the first release to parole for the incarceration of parole returns.

The impact of increasing the felony class is an increase in the prison and parole populations because of the longer sentence and the longer time served.

#### Heroin New Admissions as Class C

	FY 2019	FY2020	FY2021	FY 2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
New										
Ad missions	158	168	168	158	168	168	168	168	168	168
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison	158	336	304	€8	638	638	<b>@8</b>	638	638	638
Parole	0	0	0	34	202	370	427	437	437	437
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	158	335	504	28	638	638	æs.	638	638	638
ReldPopulation	0	0	0	34	202	370	427	437	437	437
Population Change	158	336	504	ವ2	840	1008	1075	1075	1075	1075

In FY2017, it is estimated that 168 offenders were admitted to serve a term sentence for heroin distribution and, with the above sentencing statistics for the class C felony, this will result in a prison population of 638 and a parole population of 437. If the felony class was increased to a B, the prison population would increase to 823 and the parole population to 571.

L.R. No. 4534-02

Bill No. SCS for HB 1769

Page 6 of 14 March 12, 2018

## ASSUMPTION (continued)

#### He roin New Admissions as Class B

	FY 2019	FY2020	FY2021	FY 2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
New										
Ad missions	158	168	168	158	168	168	158	168	168	168
Pro bations	30		X	X	30	×		00	X	
Cumul ative Populations										
Prison	158	336	304	672	823	823	23	823	823	823
Parole	X		X	×	17	185	353	521	371	371
Probation .		30	X	X	30	X	30	20	X	
Impact										
Prison Population	168	336	504	672	823	823	823	23	823	823
ReldPopulation	-				17	185	353	521	371	571
Population Change	168	336	504	672	840	1,008	1,176	1,344	1,394	1,394

The increase would not occur until FY2022, after the time when the offenders would be released if sentenced to the class C offense. Initially, there would be a reduction in the parole population because offenders would be in prison longer, but by FY2027 the prison population will have increased by 185 and the parole population by 134.

#### Net impact of increasing Fellony Class

	FY2019	FY2020	FY2021	FY 2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	
Prison Population	-			-	34	285	185	155	225	185	185
ReldPopulation					-34	-185	-185	-84	84	134	134

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

L.R. No. 4534-02 Bill No. SCS for HB 1769 Page 7 of 14 March 12, 2018

## ASSUMPTION (continued)

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

The DOC cost of incarceration is \$17.003 per day or an annual cost of \$6,206 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

The DOC would assume this legislation will result in long term cost as indicated in the chart below.

							Grand Total -
					Fewer	Total cost	Prison and
				# to	P&P	for	Probation
	# to	Cost per	<b>Total Costs</b>	probation	officers	probation	(includes and
	prison	year	for <b>prison</b>	& parole	from	and parole	2% inflation
					reduction		
Year 1	0	(\$6,206)	\$0	0	none	\$0	\$0
Year 2	0	(\$6,206)	\$0	0	none	\$0	\$0
Year 3	0	(\$6,206)	\$0	0	none	\$0	\$0
Year 4	34	(\$6,206)	(\$223,919)	(34)	none	\$0	(\$223,919)
Year 5	185	(\$6,206)	(\$1,242,751)	(185)	none	\$0	(\$1,242,751)
Year 6	185	(\$6,206)	(\$1,267,606)	(185)	none	\$0	(\$1,267,606)
Year 7	185	(\$6,206)	(\$1,292,958)	(84)	none	\$0	(\$1,292,958)
Year 8	185	(\$6,206)	(\$1,318,818)	84	none	\$0	(\$1,318,818)
Year 9	185	(\$6,206)	(\$1,345,194)	134	none	\$0	(\$1,345,194)
Year 10	185	(\$6,206)	(\$1,372,098)	134	none	\$0	(\$1,372,098)

Officials from the **Office of the Secretary of State (SOS)** assume 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, 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 our core budget. Therefore, SOS reserves the right to request funding for the cost of

L.R. No. 4534-02 Bill No. SCS for HB 1769 Page 8 of 14 March 12, 2018

# <u>ASSUMPTION</u> (continued)

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 **Office of the State Public Defender** assume for the purpose of the proposed legislation, and as a result of excessive caseloads, the Office of the State Public Defender cannot assume existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of intentionally filing a fraudulent financing statement or any financing statement with the Secretary of State with the intent to harass or defraud any other person. This offense would be a new Class D Felony, unless the offense meets other circumstances, then it becomes a new Class C Felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In addition, this proposed legislation enhances penalties for failure to provide financial responsibility, escalating to a new Class C Misdemeanor.

While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Office of the State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Officials from the **Office of State Courts Administrator** assume the proposal may have some fiscal impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Office of Prosecution Services** assume the proposal will have no measurable fiscal impact.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal can be absorbed with existing resources. Attorney General's Office may seek additional appropriations if there is a significant increase in litigation.

L.R. No. 4534-02 Bill No. SCS for HB 1769 Page 9 of 14 March 12, 2018

# <u>ASSUMPTION</u> (continued)

Officials from the Department of Insurance, Financial Institutions and Professional Registration, Missouri Department of Conservation, Department of Public Safety-Capitol Police, Office of Administration-General Services, Department of Public Safety-Office of the Director, Department of Transportation, Department of Revenue, Department of Public Safety-Missouri State Highway Patrol, and Department of Labor and Industrial Relations each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the St. Louis County Election Board, Jackson County Election Board, Platte County Election Board, and City of Kansas City each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Missouri State University** and **Missouri Western State University** both assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Summersville R2 School District** assume the proposal will have no fiscal impact on their organization.

Officials from the following **cities**: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Columbia, Dardenne Prairie, Excelsior Springs, Florissant, Frontenac, Fulton, Grandview, Harrisonville, Independence, Jefferson City, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark City, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Peculiar, Pineville, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles City Administrator, St. Louis City Budget Division, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

Officials from the following **counties**: Andrew, Atchison, Audrain, Barry, Benton, Bollinger, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Clinton, Cole, Cooper, Davies, Dekalb, Dent, Franklin, Greene, Holt, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Maries, Marion, McDonald, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Pulaski, Scott, St. Charles, St. Francois, Taney, Warren, Wayne, and Worth did not respond to **Oversight's** request for fiscal impact.

Officials from the following **colleges and universities**: Crowder, East Central, Harris-Stowe, Jefferson College, Kansas City Metropolitan Community College, Lincoln University, Moberly Area Community College, Missouri Southern State University, Northwest Missouri State University, Southeast Missouri State University, State Fair Community College, St. Charles Community College, State Technical College of Missouri, St. Louis Community College, Three

L.R. No. 4534-02 Bill No. SCS for HB 1769 Page 10 of 14 March 12, 2018

## ASSUMPTION (continued)

Rivers Community College, Truman State University, the University of Central Missouri and the University of Missouri did not respond to **Oversight's** request for a statement of fiscal impact.

Officials from the following school districts: Alton R-IV, Arcadia Valley R-2, Ash Grove R-IV, Ava R-1, Avilla R-13, Bakersfield R-4, Belton School District #124, Benton County R-2, Bismark R-5, Bloomfield R-14, Blue Springs, Bolivar R-I, Bowling Green R-1, Bradleyville R-1, Branson, Brentwood, Bronaugh R-7, Campbell R-2, Carrollton R-7, Caruthersville, Central R-III, Chilhowee R-4, Chillicothe R-II, Clarkton C-4, Cole R-I, Columbia, Concordia R-2, Couch R-1, Crawford County R-1, Crawford County R-2, Crocker R-II, Delta C-7, East Carter R-2, East Lynne 40, East Newton R-6, Eldon R-I, Fair Play, Fayette R-3, Forsyth R-3, Fox C-6, Fredericktown R-I, Fulton, Gasconade County R-1, Glenwood R-8, Grain Valley, Green City R-1, Green Ridge R-8, Hallsville R-IV, Hancock Place, Hannibal School District #60, Harrisonburg R-8, Harrisonville, Hartville R-11, Hazelwood, Henry County R-1, Hillsboro R-3, Holcomb R-III, Hollister R-5, Humansville R-4, Hurley R-1, Independence, Jasper R-5, Jefferson City, Kansas City, Kennett #39, King City R-1, Kirbyville R-VI, Kirksville, Lathrop R-2, Lee Summit, Leeton R-10, Lewis County C-1, Liberty, Lincoln R-2, Lindbergh, Lonedell R-14, Macon County R-1, Macon County R-IV, Madison C-3, Malta Bend, Maplewood Richmond Heights, Marshfield R-1, Maryville R-II, Maysville R-1, Meadville R-IV, Mehville School District R-9, Meramec Valley R-3, Mexico, Middle Grove C-1, Midway R-1, Milan C-2, Miller R-11, Moberly, Montgomery County R-11, Morgan County R-2, Mountain Grove R-III, Mt. Vernon R-V. New Bloomfield R-III, New Haven, Niangua R-5, Nixa, North Harrison R-3, North Kansas City, North St. François Co. R-1, Northeast Nodaway R-5, Northwest R-1, Oak Ridge R-6, Odessa R-VII, Oregon-Howell R-III, Orrick R-11, Osage County, Osage R-2, Osborn R-O, Parkway, Pattonville, Pettis County R-12, Pierce City R-6, Plato R-5, Polo R-VII, Prairie Home R-5, Princeton R-5, Purdy R-II, Raymore-Peculiar R-III, Raytown, Reeds Springs R-IV, Renick R-5, Republic R-III, Rich Hill R-IV, Richards R-5, Richland R-1, Richmond R-XVI, Riverview Gardens, Rockwood School District, Salisbury R-4, Sarcoxie R-2, Scotland County R-I, Scott City R-1, Sedalia, Seymour R-2, Shell Knob #78, Sherwood Cass R-5, Sikeston, Silex, Smithville R-2, South Harrison R-11, Southland C-9, Sparta R-III, Special School District of St. Louis County, Spickard R-II, Spokane R-VII, Springfield, St Joseph, St Louis, St. Charles, St. Elizabeth R-4, Stanberry R-III, Stewartsville C-2, Sullivan, Sweet Springs, Trenton R-1x, Valley Park, Valley R-6, Verona R-7, Warren County R-3, Warrensburg R-6, Warsaw R-IX, Waynesville, Webster Groves, Wellsville Middletown R-1, Wentzville R-IV, West Plains R-VII, Westran R-1, Westview C-6, Willard R-2 and the Wright City R-2 School District did not respond to **Oversight's** request for fiscal impact.

L.R. No. 4534-02 Bill No. SCS for HB 1769 Page 11 of 14

Page 11 of 14 March 12, 2018

	<u><b>\$0</b></u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
FISCAL IMPACT - Local Government	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2027)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$1,345,194)</u>
Costs - DOC increased prison costs resulting from increased penalties	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$1,345,194)</u>
FISCAL IMPACT - State Government  GENERAL REVENUE FUND	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2027)

# FISCAL IMPACT - Small Business

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

# FISCAL DESCRIPTION

This act creates the offense of filing false documents. For the first offense, filing a false document is a Class D felony, but can be a Class C felony in certain specified instances. Any person who is found guilty of filing a false document shall be ordered to make full restitution to any person or entity that has sustained any actual losses as a result of the filing.

The act specifies that any agency of the state, a county or the City of St. Louis shall create a system in which suspicious filings are logged, and outlines the process for petitioning a court when a person has probable cause to believe a filing is fraudulent. The system shall be created by January 1, 2019.

L.R. No. 4534-02 Bill No. SCS for HB 1769 Page 12 of 14 March 12, 2018

## FISCAL DESCRIPTION (continued)

If a filing or record is deemed invalid in a civil action brought under this act, the prevailing party shall be awarded all reasonable costs and fees incurred by that party in the action.

Under current law, the distribution of heroin is not distinguished from the distribution of most other controlled substances, and is a Class C felony. This act provides that the distribution of any substance containing a detectable amount of heroin is a Class B felony.

This act provides that the distribution of heroin is a dangerous felony as defined by statute.

This act prohibits a registered sex offender from living within one thousand feet of his or her former victim and defines the points from which one thousand feet will be measured.

This act makes an offense an "intoxication-related traffic offense" or "intoxication-related boating offense" a "dangerous felony" if the offender causes the death of any person not a passenger in the vehicle or vessel operated by the defendant, two or more persons, or any other person if such person had a blood alcohol content of at least eighteen-hundredths of one percent.

Currently, a habitual boating offender is a person who boating while intoxicated acted with criminal negligence. This act repeals this provision.

This act makes any person found guilty of driving while intoxicated not eligible for suspended imposition of sentence or fine in lieu of a term of imprisonment if the person causes the death of any person not a passenger in the vehicle operated by the defendant, two or more persons, or any other person if the offender had a blood alcohol content of at least eighteen-hundredths of one percent.

Currently, the offense of boating while intoxicated is a Class B felony if the defendant is a habitual boating offender or if the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel. Under this act, the offense of boating while intoxicated is also a Class B felony if the offender caused the death of any person not a passenger in the vessel operated by the defendant, two or more persons, or any other person if the offender had a blood alcohol content of at least eighteen-hundredths of one percent.

Currently, the offense of boating with an excessive blood alcohol content is a Class B felony if the offender is a habitual boating offender. Under this act, the offense of boating with an excessive blood alcohol content is also a Class B felony if the offender caused the death of any person not a passenger in the vessel operated by the defendant, two or more persons, or any other person if the offender had a blood alcohol content of at least eighteen-hundredths of one percent.

L.R. No. 4534-02 Bill No. SCS for HB 1769 Page 13 of 14 March 12, 2018

## FISCAL DESCRIPTION (continued)

This act modifies the punishment for the second and subsequent violations of operating a motor vehicle without insurance. Currently, an offender may be punished by imprisonment in the county jail for a term not to exceed fifteen days and/or a fine not to exceed five hundred dollars. This act makes such an offense a Class C misdemeanor.

Currently, a surcharge of \$150 is assessed and collected in all criminal cases for any violation of the Comprehensive Drug Control Act. This act also assesses such surcharge in cases of any controlled substance violation.

This act adds those who "view" a fully or partially nude person with a reasonable expectation of privacy to the list invasion of privacy offenses and makes such offense a Class A misdemeanor.

Currently, in order for an offender to be considered for a Class A or Class B drug trafficking felony, the offender must have a minimum quantity of the given drug. This act eliminates certain limitations on the quantity of drugs an offender must have to be considered for Class A and Class B drug trafficking felonies.

This act requires Class E felony offenders to make a payment of \$46 dollars to the Missouri Victims Compensation Fund.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

L.R. No. 4534-02 Bill No. SCS for HB 1769 Page 14 of 14 March 12, 2018

# **SOURCES OF INFORMATION**

Department of Corrections

Office of the Secretary of State

Office of the State Public Defender

Office of State Courts Administrator

Office of Prosecution Services

Attorney General's Office

Department of Insurance, Financial Institutions and Professional Registration

Missouri Department of Conservation

Department of Public Safety-Capitol Police

Office of Administration-General Services

Department of Public Safety-Office of the Director

Department of Transportation

Department of Revenue

Department of Public Safety-Missouri State Highway Patrol

Department of Labor and Industrial Relations

St. Louis County Election Board

Jackson County Election Board

Platte County Election Board

City of Kansas City

Missouri State University

Missouri Western State University

Summersville R2 School District

Ross Strope

Acting Director

Com A Day

March 12, 2018