

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0777-03
Bill No.: SCS for SB 194
Subject: Aircraft and Airports; Department of Corrections; Crimes and Punishments
Type: Original
Date: February 14, 2019

Bill Summary: This proposal creates the offense of unlawful use of an unmanned aircraft near a correctional center.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§217.850 - Unmanned aircraft near a correctional center

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes relating to the unlawful use of an unmanned aircraft near a correctional center. These new crimes range from a new class A misdemeanor to a class B felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

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 notes over the last three fiscal years, the SPD has lapsed a total of \$152 of General Revenue appropriations (\$0 out of \$36.4 million in FY 2016; \$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed within SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing appropriation and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. 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.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** state no fiscal impact assuming the legislation in Section 217.850.2 means ...”or” permanent fixed perimeter, or from another boundary clearly marked by posted notices instead of “and”. If this assumption is not correct, the DOC may have a fiscal impact.

Oversight notes this proposal creates an offense of unlawful use of unmanned aircraft near a correctional center. In section 217.010, ‘correctional center’ is defined as “any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department’s authority.” Oversight notes this may inadvertently include persons under the authority of DOC’s Probation and Parole Division that are not in prison and may be in premises receiving an evaluation, care, or treatment (such as a doctor’s office or clinic), which could create an overly broad scope for this new offense. The **DOC** states their response above is based on the interpretation of the statutory definition of a correctional center as a DOC operated facility for the housing of incarcerated offenders. Oversight will defer to DOC’s interpretation and utilize their no impact response.

Oversight notes that the **Department of Public Safety - Missouri State Highway Patrol, Department of Transportation, Office of State Courts Administrator, Joplin Police Department, Springfield Police Department, Boone County Sheriff’s Department, Monroe County** and **St. Louis County** have each stated the proposal would not have a direct fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriffs’ departments and counties were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Costs - SPD (\$217.850)</u>			
Salaries, fringe benefits, and equipment and expense	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<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

This act creates the offense of unlawful use of an unmanned aircraft near a correctional center. This offense is committed if someone intentionally operates an unmanned aircraft within a vertical distance of 300 feet or horizontal distance of 500 feet from a correctional center, or uses an unmanned aircraft to deliver an object that may be used to harm an offender or correctional center employee or a controlled substance to a person in the custody of a correctional center. The term "correctional center" is defined to include all state correctional centers, private jails, and local jails.

This act shall not apply to certain individuals acting in the course their of their official duties or to public utilities under certain circumstances.

Violations of the act shall be punishable as a class A misdemeanor, unless the person is delivering an article that may be used to harm an offender or correctional center employee in which case it shall be class B felony. Using an unmanned aircraft to facilitate an escape from the center is punishable as a class C felony and using a unmanned aircraft to deliver a controlled substance shall be punished as a class D felony.

FISCAL DESCRIPTION (continued)

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 Corrections
Department of Public Safety -
 Missouri State Highway Patrol
Department of Transportation
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office
Joplin Police Department
Springfield Police Department
Boone County Sheriff's Department
Monroe County
St. Louis County



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February 14, 2019

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