

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3011-04
BILL NO.: HCS for SCS for SB 657
SUBJECT: Expungement; Deer Restitution; Hunting Permits; Feral Hogs
TYPE: Original
DATE: April 11, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue Fund	Less than (\$100,000)	Less than (\$100,000)	Less than (\$100,000)
Conservation Commission Fund	\$60,833 to \$912,500	\$73,000 to \$1,095,000	\$73,000 to \$1,095,000
Total Estimated Net Effect on <u>All</u> State Funds	(\$39,167) to \$812,500	(\$27,000) to \$995,000	(\$27,000) to \$995,000

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

FISCAL ANALYSIS

ASSUMPTION

Component of proposal addressing expungement

The **Department of Conservation (MDC)**, the **Missouri State Highway Patrol (MHP)** and the **Office of Prosecution Services** assume they would not be impacted by this proposal.

MDC estimates there are between 7,000 and 8,000 such violations per year and approximately three quarters of them are first time offenses. Based on this information, the **State Courts Administrator (CTS)** assumes the work to be performed by their clerks would involve a considerable amount of time. These specific cases would have to be tracked, an order of expungement prepared and notices sent to MDC and MHP. CTS estimates this work to involve approximately five hours per case in total.

CTS assumes this would add considerably to the workload in some courts; however, they do not anticipate the costs to be in excess of \$100,000 per year.

Component of proposal addressing deer restitution, hunting permits and feral hogs

Assumptions referencing deer restitution

Officials from the **Office of Administration - Budget and Planning** assume their agency would not be fiscally impacted by the proposed legislation. Officials do assume that there would be impact on total state revenue.

Officials from the **Department of Revenue (DOR)** assume the proposed legislation would have little or no administrative impact on their agency.

Officials from the **Office of State Courts Administrator (CTS)** assume their agency would not be fiscally impacted by the proposed legislation. Officials also assume the proposed legislation would provide for a mandatory restitution schedule for poached deer. Additionally, they assume there would be no significant change in the volume of criminal prosecutions. Officials from CTS assume that some cases may become more protracted. CTS notes that they would expect one or more test cases to explore the parameters of the law.

Officials from the **Department of Conservation (MDC)** assume this proposed legislation would credit restitution monies for illegal deer to the commission fund. The impact to the commission could be positive after the expense of scoring antlers. The amount of impact is unknown.

ASSUMPTION (continued)

MDC indicated that the number of convictions in FY99 for illegal taking of deer was 195. MDC did not provide information as to whether the convictions related to antlerless or antlered deer, nor could they provide information as to the score of the antlers. **Oversight** assumes the number of convictions (195) would remain consistent. Oversight arbitrarily assumes 75% of the total convictions would be antlered deer. This equates to 146 convictions. Therefore, Oversight used this figure and the restitution amounts indicated in the proposal to estimate the fiscal impact for FY's 2001 through 2003.

Oversight notes that this restitution assessed, in addition to already imposed penalties, could encourage compliance. Therefore, the fiscal impact could result in less revenue generated than what is reflected in our fiscal note estimate.

Assumptions referencing hunting permits

Officials from the **Department of Conservation** assume their agency would not be fiscally impacted by the proposed legislation.

Officials from the **Office of State Courts Administrator** (CTS) assume their agency would not be fiscally impacted by the proposed legislation. CTS noted that they are currently bringing up a statewide court automation system. The provision requiring them to notify MDC of failure to appear and failure to pay fines could be implemented if unique charge codes are used for these offenses.

Assumptions referencing feral hogs

Officials from the **Office of the Attorney General**, the **Department of Conservation**, the **Office of Prosecution Services**, the **Department of Transportation** and the **Department of Agriculture** assume their agencies would not be fiscally impacted by the proposed legislation.

Officials from the **Office of State Courts Administrator** (CTS) assume their agency would not be fiscally impacted by the proposed legislation. CTS noted that they do expect one or more test cases to explore the parameters of the law.

Officials from the **Department of Corrections** assume the proposed legislation would have \$0/minimal impact on their agency.

Officials from the **Department of Elementary and Secondary Education** assume the proposed legislation would result in no fiscal impact to their agency or to the local public school districts.

ASSUMPTION (continued)

Officials from the **University of Missouri** assume the proposed legislation would have little or no fiscal impact on the university.

Officials from the **Office of State Public Defender** (SPD) assume that existing staff could provide representation for those one to five cases arising where indigent persons were charged with releasing pigs into the wild. However, the passage of more than one similar bill would require the SPD System to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases.

Officials from the **Department of Natural Resources** (DNR) assume that at this time feral hogs do not present a threat to Missouri's state parks. Therefore, this bill will not cause a fiscal impact to the Department.

However, if in the future feral hogs cause a problem, additional funds may be necessary to eradicate the problem.

In addition, Section 271.400.3. allows any person to take or kill feral hogs on public land with the consent of the landowner. State park rules do not allow hunting in the parks, unless special controlled hunts are necessary to preserve deer population. Therefore, anyone other than state park personnel will not be allowed to take or kill feral hogs on state park property.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs - State Courts Administrator</u>	<u>Less than</u> <u>(\$100,000)</u>	<u>Less than</u> <u>(\$100,000)</u>	<u>Less than</u> <u>(\$100,000)</u>
CONSERVATION COMMISSION FUND			
<u>Income - Department of Conservation</u>			
Restitution Assessed	<u>\$60,833 to</u> <u>\$912,500</u>	<u>\$73,000 to</u> <u>\$1,095,000</u>	<u>\$73,000 to</u> <u>\$1,095,000</u>

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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	<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.

DESCRIPTION

This proposal authorizes the automatic expungement for the first violation of a wildlife code which is a class B misdemeanor. Such expungement shall not restore privileges in cases where any permit or license issued by the conservation commission is revoked or suspended.

In addition to the existing class A misdemeanor charge, this proposal requires anyone illegally taking or possessing deer to remit to the credit of the commission for each antlered deer an amount ranging from \$500 to \$7,500, depending on the deer's certified uncured Boone & Crockett score.

Additionally, this proposal states that if any person fails to appear at a hearing or fails to pay a fine imposed for any violation of section 252.040, the court shall notify the commission of such person's actions for the commission's consideration of the suspension, revocation, or denial of such person's permit or privilege to pursue, take, kill, possess or dispose of wildlife.

This proposal also makes it a class A misdemeanor to knowingly release swine to live in a wild state on public or unfenced private land. Free-roaming hogs not conspicuously identified by ear tags may be killed without liability on public lands or on private lands with the permission of the landowner.

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 Agriculture
Department of Conservation
Department of Corrections
Department of Elementary and Secondary Education
Department of Natural Resources

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SOURCES OF INFORMATION (continued)

Department of Revenue
Department of Transportation
Missouri State Highway Patrol
Office of State Public Defender
Office of Administration - Division of Budget and Planning
Office of the Attorney General
Office of Prosecution Services
Office of State Courts Administrator
University of Missouri



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