

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO. 3134-01  
BILL NO. SB 707  
SUBJECT: Crimes and Punishments; Police/Law Enforcement  
TYPE: Original  
DATE: January 18, 2000

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(\$39,209)	(\$35,432)	(\$36,342)
<b>Partial Estimated Net Effect on <u>All</u> State Funds*</b>	<b>(\$39,209)</b>	<b>(\$35,432)</b>	<b>(\$36,342)</b>

\*Does not include DOC's unknown costs.

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

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

Numbers within parentheses: ( ) indicate costs or losses

This fiscal note contains 4 pages.

---

**FISCAL ANALYSIS**

ASSUMPTION

In response to a similar proposal, officials of the **Office of the Attorney General** assumed that this proposal would have no fiscal impact to their agency.

Officials from the **Department of Public Safety - Missouri State Highway Patrol** and the **Office of Prosecution Services** assume the proposed legislation would have no fiscal impact to their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would expand assault on a police officer by including attempts to take a weapon from the officer and create new felony or misdemeanor crimes of evading a peace officer. In most cases, these would be additional counts in a case and CTS would not expect any appreciable increase in the volume of criminal prosecution.

Officials from the **Office of State Public Defender (SPD)** assume that this proposal would create 50 new C Felony cases of evading a law enforcement officer and 30 new B Felony cases of taking a weapon from a peace officer. SPD officials assume they would require .50 Assistant Public Defender and .25 Paralegal/Investigator to represent the indigent accused which could result from this proposal.

In response to a similar proposal, officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in this proposal. An increase in commitments would depend on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (average \$30.27 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of \$2.47 per offender, per day). Due to the wide variance of newly created crimes and punishments, the fiscal impact as it relates to the DOC is unknown.

The DOC anticipates that new beds might have to be constructed to accommodate the number of offenders receiving longer sentences due to this proposal. At this time, the DOC is unable to determine the number of people that would be convicted under the provisions of this bill to estimate the fiscal impact for additional capital improvements. Estimated construction cost for one new maximum security inmate bed is \$48,800.

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

**GENERAL REVENUE FUND**

<u>Cost - State Public Defender (SPD)</u>			
Personal Service	(\$19,175)	(\$23,595)	(\$24,185)
Fringe Benefits	(5,731)	(7,053)	(7,229)
Expense and Equipment	(14,303)	(4,784)	(4,928)
Total <u>Cost</u> - SPD	(\$39,209)	(\$35,432)	(\$36,342)

<u>Cost - Department of Corrections (DOC)</u>			
Increased beds	(Unknown)	(Unknown)	(Unknown)

<b>ESTIMATED PARTIAL NET EFFECT ON GENERAL REVENUE FUND*</b>	<b><u>(\$39,209)</u></b>	<b><u>(\$35,432)</u></b>	<b><u>(\$36,342)</u></b>
--	--------------------------	--------------------------	--------------------------

**\*Does not include DOC's unknown costs.**

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal makes forcibly taking a weapon or dangerous instrument from the possession of a law enforcement officer a crime of second degree assault of an officer. It also creates the crime of evading a law enforcement officer for taking deliberate actions to avoid being stopped by a peace officer while operating a motor vehicle.

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

L.R. NO. 3134-01  
BILL NO. SB 707  
PAGE 4 OF 4  
January 18, 2000

SOURCES OF INFORMATION

State Courts Administrator  
Office of Prosecution Services  
Department of Public Safety - Missouri State Highway Patrol  
Office of the Attorney General  
State Public Defender  
Department of Corrections

**NOT RESPONDING: Office of the Attorney General and Department of Corrections**

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized and cursive.

Jeanne Jarrett, CPA  
Director  
January 18, 2000