

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 3144-01
BILL NO. SB 1043
SUBJECT: Theft of Service
TYPE: Original
DATE: February 29, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(Minimal)	(Minimal)	(Minimal)
Total Estimated Net Effect on <u>All</u> State Funds *	(Minimal)	(Minimal)	(Minimal)

* Costs expected to be less than \$100,000 annually.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
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 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services** assume the proposed legislation would have no fiscal impact on their agency.

Currently, the **Department of Corrections (DOC)** cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational costs either through incarceration (average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of \$2.47 per offender, per day).

The following factors contribute to DOC's minimal assumption:

- 1) DOC assumes the narrow scope of the crime will not encompass a large number of offenders,
- 2) The probability exists that offenders would be charged with a similar and/or more serious offense.

Supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

The need for additional capital improvements is not anticipated at this time. It must be noted that the cumulative effect of various new legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

Officials from the **Office of State Courts Administrator** assume they have no way to project the increased number of criminal prosecutions which may result. If a significant number of additional prosecutions occur, there would be a corresponding budget impact.

Officials from the **Office of State Public Defender** assume they currently provide representation for these cases under the stealing statute. However, there may be more cases arising where indigent persons were charged with theft of services. However passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

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

Costs - Department of Corrections

Per diem costs for increase in prison or probation population	(Minimal)*	(Minimal)*	(Minimal)*
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* Costs expected to be less than \$100,000 annually.

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

No direct fiscal impact on small businesses would be expected due to this proposal.

DESCRIPTION

The proposed legislation creates the crime of theft of services, which is a class C felony if the value of the services is \$750 or more, and a class A misdemeanor for services less than \$750. An offender commits the crime if he or she intentionally avoids payment by securing performance of services, by directing services to a third person by deception or threat, or by holding rental property beyond a rental period without consent. Intent to avoid payment may be presumed if the offender leaves a place of business without paying after receiving services, fails to return rental property within a certain period, or returns rental property but fails to pay rental charges within a certain period.

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. 3144-01
BILL NO. SB 1043
PAGE 4 OF 4
February 29, 2000

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of State Public Defender

NOT RESPONDING: Office of Attorney General

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is written in a cursive style with a large initial "J".

Jeanne Jarrett, CPA
Director
February 29, 2000