

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 4438-04  
BILL NO.: HCS for SB 996  
SUBJECT: Crimes and Punishment: Returned Checks  
TYPE: Original  
DATE: May 5, 2000

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None	\$0	\$0	\$0
<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>Counties</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

Numbers within parentheses: ( ) indicate costs or losses  
This fiscal note contains 4 pages.

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**FISCAL ANALYSIS**

ASSUMPTION

*Stealing Law Changes*

Officials from the **Department of Public Safety - Missouri State Highway Patrol, Office of Prosecution Services, and Office of the Attorney General** assume there would be no fiscal impact to their agencies as a result of this proposal.

Officials from the **Office of the State Public Defender (SPD)** assume that existing staff could provide representation for those stealing cases arising where the indigent persons were charged with escalated felonies due to the amount of dollars involved. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

Officials of the **Office of the State Courts Administrator (CTS)** stated that this proposal would increase the penalty for some stealing offenses and lower the threshold for certain felony theft. CTS would not anticipate a significant impact on the workload of the judiciary.

In response to a similar proposal last session, officials from the **Department of Corrections (DOC)** assumed the proposal lowers the value threshold from \$750 to \$425, thereby lowering the value by which stealing becomes a class C felony. This could result in more offenders being convicted of a class C felony and could impact the length of stay of offenders sentenced to confinement.

Currently, the DOC cannot predict the impact that could result from the raising and lowering of these value thresholds on the number of offenders sentenced to incarceration or to a period of probation, 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.

The total ten year fiscal impact would be unknown, but DOC officials assumed the fiscal impact would be \$0, or a minimal amount that could be absorbed, per year. **Oversight** assumes the proposal could result in more offenders being incarcerated or placed on probation.

ASSUMPTION (continued)

Additional costs for supervision and care by the DOC, although unknown, would likely be less than \$100,000 annually.

*Bad Check Handling Costs*

Officials from the **Office of the State Courts Administrator, State Public Defender,** and the **Office of the Attorney General** assume the proposed legislation would have no fiscal impact on their agencies.

Officials of the **Office of Prosecution Services** assume that the proposal would increase fees collected by county prosecutors for bad checks, but would have no impact on the number of cases.

**Oversight** assumes that the proposal would increase the fees assessed by prosecuting or circuit attorneys on returned checks, and that counties would consequently collect additional revenues from such fees. The amount of increased collections cannot be reasonably determined.

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

Cost - Department of Corrections

Probation or incarceration costs	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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**COUNTIES**

<u>Income</u> -additional fees collected by prosecuting attorneys on returned checks	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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FISCAL IMPACT - Small Business

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

L.R. NO. 4438-04  
BILL NO. HCS for SB 996  
PAGE 4 OF 4  
May 5, 2000

DESCRIPTION

Currently, stealing is a Class A misdemeanor, unless the value of the item is \$750 or more in which case it is a Class C felony. The proposed legislation creates a Class D penalty if the value of the item is at least \$150 but less than \$425; if the item is valued at \$425 or more, stealing is a Class C felony. In addition, the act defines "value" as the normal price that a merchant would charge for an item in the ordinary course of business for the purpose of the stealing statutes if the victim is a merchant.

The proposal would increase the amounts to be collected by prosecuting or circuit attorneys for administrative handling costs of returned checks. Costs would be \$5 for checks less than \$25, \$15 for checks of \$25 but less than \$150, \$25 for checks of \$150 but less than \$500, \$50 for checks of \$500 but less than \$1,000, and \$75 for checks of \$1,000 or more.

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

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

**NOT RESPONDING: Department of Corrections**



Jeanne Jarrett, CPA  
Director  
May 5, 2000