

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 4545-01
BILL NO.: SB 1031
SUBJECT: Theft of Merchandise
TYPE: Original
DATE: February 29, 2000

FISCAL SUMMARY

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
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 the State Courts Administrator** assume the proposed legislation would not have a significant fiscal impact on the workload of the courts.

Officials from the **Office of Prosecution Services** assume the costs of the proposal could be absorbed with existing resources.

Officials from the **Office of State Public Defender** assume they could provide representation for those cases arising where indigent persons were charged with the offense(s) outlined in this proposal. 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.

At this time, the **Department of Corrections (DOC)** is unable to determine the number of people that would be convicted under the provisions of this bill to estimate the potential need for additional capital improvements. Estimated construction cost for one new medium-security inmate bed is \$48,300 (a maximum-security inmate bed is \$55,000.) Utilizing this per-bed cost provides for a conservative estimate by the DOC, as entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

New commitments which may result from the creation of the offense(s) outlined in this proposal cannot be accurately determined. In addition, changes in penalty provisions for current crimes could result in additional costs due to new commitments and/or longer sentences. The utilization of these laws for both new offenses and enhanced penalties for current offenses depend upon actions of prosecutors and the courts.

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).

Due to the wide variance of crimes and punishments including newly created crimes and punishments, the fiscal impact as it relates to the DOC is unknown, but not estimated to exceed \$100,000 annually.

Officials from the **Department of Public Safety - Missouri Highway Patrol** assume the proposed legislation would have no fiscal impact on their agency.

ASSUMPTION (continued)

In response to similar proposals, officials from the **Office of the Attorney General** assumed the proposed legislation would have no fiscal impact on their agency.

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

<u>Cost</u> - Department of Corrections Probation or incarceration costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

The proposed legislation would have an impact on small businesses involved in the retail industry.

DESCRIPTION

The proposed legislation makes it a class C felony to steal goods, wares, or merchandise from three separate mercantile establishments in one criminal episode, regardless of the value of the goods. The proposal also makes it a class D felony to possess, use, or counterfeit a sales receipt or universal product code label with the intent to cheat or defraud a retailer. A class C felony is imposed on persons who possess 15 or more fraudulent sales receipts or universal product code labels, or who possess a device to fraudulently manufacture such receipts or labels. The proposal creates the crime of unlawful use of a theft detection shielding device, which is a class C felony, and is committed when an individual knowingly uses or possesses such a device. The proposal also creates the crime of unlawful possession of a theft detection device remover, which is a class C felony. Creates the crime of theft by Internet. Theft by Internet is a class C felony regardless of the value of the stolen property.

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

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SOURCES OF INFORMATION

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

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