

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2396-02
Bill No.: SB 1070
Subject: Crimes and Punishment; Employees - Employers; Highway Patrol.
Type: Original
Date: February 12, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Criminal Record System	(\$307,478)	(\$343,592)	(\$352,353)
Total Estimated Net Effect on <u>All</u> State Funds	(\$307,478)	(\$343,592)	(\$352,353)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposed legislation would allow the Patrol to provide information on persons registered as sex offenders when a background check request is made pursuant to Section 43.540, RSMo.

The Patrol's **Criminal Records Division** stated that they did approximately 1,200,000 background checks in 2001. Technology is not currently available to conduct a synchronized search of the two databases (criminal history record and Megan's Law offenders), but they assume that half of those checks were for the purposes described in Section 43.540, which means that approximately 600,000 would be required to be put into the sex offender registry. The Criminal Records Division assume they will need 9 additional FTE to conduct the searches in the Megan's Law offenders database, based upon the following analysis:

600,000 searches per year / 12 months = 50,000 per month
50,000 searches per month / 20 workdays per month = 2,500 per day
2,500 searches per day x 1.5 minutes per search = 3,750 minutes per day
3,750 minutes per day / 420* available minutes per day = 8.93 FTE

* Time studies in Criminal Records have shown that 7 hours per day per FTE are available for actually conducting searches.

The 9 new FTE would have the title of AFIS Entry Operator I (at \$18,132) and would be required to search the criminal history and verify against the Sex Offender Registry. When dispositions are unknown, they would forward them to Criminal History Technicians for further processing.

The Patrol's **Information Systems Division** stated that they would require a full-time CITS I position (at \$41,556) to design, develop, acquire training, maintain the application and hardware, ensure security, and monitor the network infrastructure for the website.

The MHP estimates the annual cost for the requested FTE would be roughly \$350,000 per year including personal service, fringe benefits, expense and equipment, and rental space for the new FTE.

The MHP states the above numbers represent the Patrol's best estimates, but additional research is currently being done to determine if the number of FTEs indicated for the Information Systems Division is sufficient. If necessary, a revised fiscal note will be submitted in the very near future.

ASSUMPTION (continued)

Oversight assumes the MHP would at some point in the future, have the technology to simultaneously run background checks upon the two databases, hence requiring fewer AFIS Entry Operators. However, at this point, Oversight has no information to refute the MHP's claim to need the specified additional FTE.

Officials from the **Department of Elementary and Secondary Education (DES)** state this proposal expands the definition of "criminal record review" to include any offense for which the person has registered pursuant to sections 589.400 to 589.425, RSMo. It also requires the patrol to inform requesting agencies of the address and offense for which the person has registered pursuant to sections 589.400 to 589.425, RSMo., as well as for any other offenses contained in the criminal record review.

DES assumes the extra requirements will pose additional costs for the highway patrol, thereby increasing the cost of background checks. During FY 2001, the highway patrol processed for DES 21,793 background checks for schools and 23,645 background checks for substitute teachers. The background checks are performed by the patrol at no cost to the department. Increasing the cost of the background checks could result in the patrol's seeking reimbursement from DES for the cost or a portion of the cost.

During FY 2001, DES processed 10,770 fingerprint requests at the cost of \$22.00 per person. These costs are typically paid by the individual or the school district. Increasing this cost will have an impact on school districts and individuals making requests.

Officials from the **Department of Corrections, Office of the State Courts Administrator** and the **Department of Social Services** each assume this proposal would not fiscally impact their respective agencies.

Oversight assumes the costs for the requested FTE would be paid for out of the Criminal Records System Fund. Oversight also assumes this proposal would not generate additional revenue for the fund since the MHP will still be doing a single background check (one person), just checking an additional database.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
CRIMINAL RECORD SYSTEM FUND			
<u>Costs - Missouri Highway Patrol</u>			
Personal Service (10 FTE)	(\$174,886)	(\$215,109)	(\$220,487)
Fringe Benefits	(\$76,530)	(\$94,132)	(\$96,485)
Expense and Equipment	(\$56,062)	(\$34,351)	(\$35,381)
<u>Total Costs - Missouri Highway Patrol</u>	(\$307,478)	(\$343,592)	(\$352,353)
ESTIMATED NET EFFECT TO THE CRIMINAL RECORD SYSTEM FUND	<u>(\$307,478)</u>	<u>(\$343,592)</u>	<u>(\$352,353)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<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 Highway Patrol to inform providers whether an applicant for employment is a registered offender under "Megan's Law". This proposal also requires the information from the registry be made available to other entities, as provided for by law.

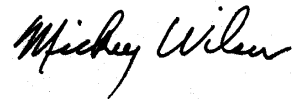
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements. It may, however, require additional rental space for the Missouri Highway Patrol to house ten requested FTEs.

SOURCES OF INFORMATION

RS:LR:OD (12/01)

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Department of Public Safety
Missouri Highway Patrol
Department of Corrections
Office of the State Courts Administrator
Department of Elementary and Secondary Education
Department of Social Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large initial "M".

Mickey Wilson, CPA
Acting Director
February 12, 2002