

COMMITTEE ON LEGISLATIVE RESEARCH
 OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2396-04
Bill No.: Truly Agreed to and Finally Passed HCS for SCS for SB 1070
Subject: Crimes and Punishment; Employees - Employers; Highway Patrol.
Type: Original
Date: May 9, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Criminal Records System	(\$54,885)	(\$63,420)	(\$65,007)
Total Estimated Net Effect on All State Funds	(\$54,885)	(\$63,420)	(\$65,007)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on All 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 and 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 states that technology is not currently available to conduct a synchronized search of the two databases (criminal history record and Megan's Law offenders), but will be available in the near future. Therefore, the Criminal Records Division assumes they will be able to absorb the additional workload generated by this proposal with existing staff.

In response to a previous version of this proposal, the Criminal Records Division did not assume technology to run such dual searches would be available in the near future, and estimated a need for 9 FTE AFIS Entry Operators.

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 \$65,000 per year including personal service, fringe benefits, and expense and equipment and would be paid for from the General Revenue Fund.

The MHP assumes the part of the proposal regarding registration of sexual offenders would not fiscally impact their agency.

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

ASSUMPTION (continued)

RS:LR:OD (12/01)

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 Social Services, Department of Corrections, Office of the State Courts Administrator, Department of Mental Health, Office of Prosecution Services** and the **Office of the Attorney General** each assume this proposal would not fiscally impact their respective agencies.

In response to similar legislation from this year, officials from the **Office of the State Public Defender** assumed this proposal would not fiscally impact their agency.

Oversight 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. Oversight also assumes this requested FTE would be paid out of the Criminal Records System Fund instead of the General Revenue Fund.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
CRIMINAL RECORDS SYSTEM FUND			
<u>Costs - Missouri Highway Patrol</u>			
Personal Service (1 FTE)	(\$35,496)	(\$43,660)	(\$44,751)
Fringe Benefits	(\$15,533)	(\$19,106)	(\$19,583)
Expense and Equipment	<u>(\$3,856)</u>	<u>(\$654)</u>	<u>(\$673)</u>
<u>Total Costs - Missouri Highway Patrol</u>	(\$54,885)	(\$63,420)	(\$65,007)
ESTIMATED NET EFFECT TO THE CRIMINAL RECORDS SYSTEM FUND	<u>(\$54,885)</u>	<u>(\$63,420)</u>	<u>(\$65,007)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005

<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 individuals who have been convicted of, been found guilty of, or pled guilty or nolo contendere to a sex offense in any other state or under federal jurisdiction since July 1, 1979, to register as a sex offender in Missouri. The proposal also requires individuals who plead guilty to or who are convicted of offenses that require registration to register within 10 days of their conviction, release from incarceration, or placement upon probation.

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

SOURCES OF INFORMATION

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

SOURCES OF INFORMATION (continued)

Department of Mental Health
Office of the Attorney General
Office of Prosecution Services
Office of the State Public Defender

L.R. No. 2396-04
Bill No. Truly Agreed to and Finally Passed HCS for SCS for SB 1070
Page 5 of 5
May 9, 2002

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Acting Director
May 9, 2002