

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2963-01
Bill No.: SB 704
Subject: Crimes and Punishment; Evidence; Criminal Procedure
Type: Original
Date: January 7, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue Fund	Could exceed \$100,000	Could exceed \$100,000	Could exceed \$100,000
Total Estimated Net Effect on <u>All</u> State Funds	Could exceed \$100,000	Could exceed \$100,000	Could exceed \$100,000

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 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender** assume, for the purpose of this proposed legislation, although the possible penalties for several crimes involving theft of items worth less than \$500 will be reduced, existing staff will continue to provide representation where indigent persons were charged. In reality, the workload on these particular felony reduced to misdemeanor cases would be less, but then the number of these cases is very minimal when compared to the total State Public Defender caseload.

Officials from the **Office of State Courts Administrator** would not anticipate a significant impact on the workload of the judiciary as a result of the proposed legislation.

Officials from the **Office of Prosecution Services** assume the cost of the proposed legislation can be absorbed by prosecutors.

Officials from the **Department of Corrections (DOC)** did not respond to Oversight's request for a fiscal note response. However, in response to an identical proposal from the 2001 session (SB 704), officials from the DOC assumed raising the felony limit of stolen property from \$150 to \$500 for the specific crimes outlined in this proposal should prove to find more offenders receiving misdemeanor (or lesser) charges and less offenders receiving felony (or more extensive) sentences, as so outlined for each crime.

In summary, DOC assumes an unknown savings amount per year (estimated at less than \$100,000 annually) at this time until this fiscal note can be updated with numbers calculated from the DOC database on each specific charge code for offenders DOC currently supervises. Property value amounts are not listed in the database. Therefore, consultation with other agencies is required in order to potentially ascertain the breakdown of values for use in estimating fiscal impact due to passage of this note.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Savings</u> – Department of Corrections Fewer prison commitments	Could exceed <u>\$100,000</u>	Could exceed <u>\$100,000</u>	Could exceed <u>\$100,000</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	Could exceed <u>\$100,000</u>	Could exceed <u>\$100,000</u>	Could exceed <u>\$100,000</u>

FISCAL IMPACT - Local Government

FY 2003
(10 Mo.)

FY 2004

FY 2005

\$0

\$0

\$0

FISCAL IMPACT - Small Business

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

DESCRIPTION

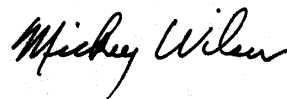
The proposed legislation would raise the felony limit for numerous other crimes involving theft from \$150 to \$500. The other criminal statutes affected are: making a false statement to receive health care payment; sale of any species of wildlife; tampering with computer data; tampering with computer equipment; tampering with computer users; determination of value; receiving stolen property; alternation or removal of item numbers with intent to deprive rightful owner; passing bad checks; fraudulently stopping payment on an instrument; fraudulent use of a credit or debit device; library theft; theft of cable television service; failure to return rented personal property; unlawful receipt of food stamps or ATP cards; unlawful conversion of food stamps or ATP cards; unlawful transfer of food stamps or ATP cards; and perjury, committed when obtaining public assistance.

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

NOT RESPONDING: Department of Corrections



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January 7, 2002

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