

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3180-01
Bill No.: SB 689
Subject: Crimes and Punishment; Criminal Procedure; Department of Corrections;
 Weapons; Federal–State Relations
Type: Original
Date: January 21, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on <u>All</u> State Funds	Unknown	Unknown	Unknown

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	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – State Highway Patrol, Office of Attorney General, Jefferson City Police Department, and the Springfield Police Department** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** would not expect a significant impact on the budget of the judiciary.

Officials from the **Office of State Public Defender (SPD)** assume existing staff could provide representation for those Armed Criminal Action (ACA) cases arising where indigent persons were facing longer sentencing. The SPD also assumes existing staff could handle the increased ACA charge along with possession charges. 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 from the **Office of Prosecution Services** assume the proposed legislation would have an unknown impact on the caseload of local prosecuting attorneys.

Officials from the **Department of Corrections (DOC)** assume the proposed program would require the state to review certain weapons offense cases for the possibility of diversion to federal prosecution if it were likely to result in more restrictive bail, stricter enforcement, or a greater penalty being assessed. The DOC assumes it is unknown how many offenders (who might otherwise receive sentencing to the DOC) would be serving federal prison time due to passage of this bill. Federal sentencing guidelines are unique to each convicted offender. In general, offenders with convictions for armed criminal action also have longer concurrent sentences.

In FY 01, there were a total of 1,416 new admissions with a weapons charge to the DOC, with 384 of these having a weapons charge as their most serious offense. 278 of these had a sentence of 3 years for unlawful use of a weapon, so there is a possibility that the Federal sentencing would be more severe. Perhaps the Prosecutors or the Courts would have an estimate of the number of federal diversions.

If additional persons are diverted from the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding decrease in operational costs either through incarceration (FY 01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY 01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

ASSUMPTION (continued)

In summary, sentencing offenders to the federal system instead of the DOC would result in additional unknown savings to the DOC. Eight (8) persons would have to be diverted per fiscal year to exceed \$100,000 annually in savings. The amount of potential savings to the DOC due to passage of this proposal is unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Savings</u> – Department of Corrections Incarceration/Probation costs	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
POLITICAL SUBDIVISIONS			
Costs to Prosecutors	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>FISCAL IMPACT - Small Business</u>			

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

DESCRIPTION

The proposed legislation would create “Project Exile,” a program that would require the state to review certain weapons offense cases for the possibility of federal prosecution.

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

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Public Safety
 – State Highway Patrol
Springfield Police Department
Jefferson City Police Department
Office of Prosecution Services
Office of Attorney General
Office of State Public Defender

NOT RESPONDING: **Jackson County Prosecuting Attorney, Cole County
Prosecuting Attorney, Boone County Prosecuting Attorney,
St. Louis County Prosecuting Attorney, St. Louis Police
Department, Kansas City Police Department**



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January 21, 2002