

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3324-01
Bill No.: SB 807
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies.
Type: Original
Date: January 11, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
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 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 **Department of Corrections (DOC)** did not respond to our request for fiscal impact. However, in response to a similar proposal from last year, DOC stated this bill, if passed into law, creates the crimes of eluding a law enforcement official. Penalty provisions, the component of the bill to have potential fiscal impact for DOC, is for a class A misdemeanor or a class D felony.

DOC could not predict the number of new cases which may result from the creation of the offenses(s) outlined in this proposal. An increase in cases depends on the utilization by prosecutors and the actual sentences imposed by the court.

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 costs through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

In summary, due to the narrow scope of the bill, DOC assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Oversight assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

Officials from the **Office of Prosecution Services** assume any cost resulting from this proposal could be absorbed with existing resources.

Officials from the **Office of State Public Defender** assume they could provide representation for those 15-25 cases arising where indigent persons were charged with the crime of eluding a law enforcement official - a Class D Felony. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases.

Officials from the **Office of the State Courts Administrator**, the **Department of Public Safety - Missouri Highway Patrol** and the **Jefferson City Police Department** state this proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE			
<u>Costs - Department of Corrections Incarceration / Probation costs</u>	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(LESS THAN <u>\$100,000</u>)	(LESS THAN <u>\$100,000</u>)	(LESS THAN <u>\$100,000</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 creates the crime of Eluding a Law Enforcement Official. The crime consists of the following elements: operating a vehicle after receiving a light or siren, or after being directed to stop the vehicle by a peace officer who has reasonable suspicion of a violation and purposefully increasing the speed of a vehicle or turning off lights for purposes of eluding a peace officer, or purposefully attempting to elude in any manner.

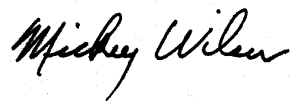
The new crime is defined as a Class A misdemeanor, unless the defendant knowingly eludes by operating a motor vehicle in a manner which presents a substantial risk of injury to another person, in which case the crime is a Class D felony.

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

Department of Public Safety - Missouri Highway Patrol
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections
Jefferson City Police Department

NOT RESPONDING: Columbia Police Department



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January 11, 2002