

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3812-03
Bill No.: Perfected SCS for SBs 958 & 657
Subject: Political Subdivisions; Religion; Civil Rights
Type: Original
Date: April 16, 2002

FISCAL SUMMARY

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

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 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** note that there could be a number of court cases to determine the parameters of the proposal and establish limits in specific areas. However, over time, CTS does not expect a significant increase in the volume of civil litigation and, therefore, assumes no fiscal impact.

Officials from the **Departments of Corrections, Labor and Industrial Relations, and Public Safety** assume the proposed legislation would have no fiscal impact on their agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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 would require that a test of compelling state interest be applied to all state and local laws in cases which would affect the exercise of religion. No law or regulation could restrict a person's free exercise of religion unless it were in the form a rule of general applicability and did not discriminate against religion or among religions and it furthered a compelling governmental interest in the least restrictive way. The proposal specifies that an inmate's free exercise of religion may not be restricted, unless the governmental authority demonstrates the restriction is reasonably related to DESCRIPTION (continued)

a legitimate penological interest. Nothing in the proposal shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on civil rights law.

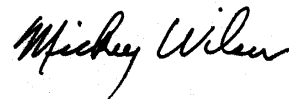
In addition to the exercise of religion, the proposal also applies to the rights of the second amendment of the United States Constitution and article 1, section 23 of the Missouri Constitution.

This proposal would apply to all state and local laws, resolutions and ordinances adopted before or after the effective date of this proposal.

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 the State Courts Administrator
Department of Corrections
Department of Public Safety
Department of Labor and Industrial Relations



Mickey Wilson, CPA
Acting Director
April 16, 2002