

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4274-03
Bill No.: HCS for SCS for SB 804
Subject: Children and Minors; Crimes and Punishment
Type: Original
Date: May 4, 2016

Bill Summary: This proposal relates to criminal judicial proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	\$0 or Could exceed \$100,000	\$0 or Could exceed \$100,000	\$0 or Could exceed \$100,000

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Corrections**, the **Department of Revenue**, the **Office of the State Courts Administrator**, the **Department of Social Services**, the **Office of Prosecution Services**, and the **Department of Transportation** each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version of the proposal, officials at the **Office of State Public Defender (SPD)** stated they could not assume that existing staff will provide effective representation for any new cases arising where indigent persons face the enhanced crime of sexual trafficking of a child to include advertising a child participating in a commercial sexual act.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the Attorney General's Office did not respond to our request for fiscal impact.

In response to another proposal that made changes to §304.351 regarding penalties for failure to yield right-of-way, officials from the **Office of the State Courts Administrator** stated according to the Fine Collection Center, as well as the total number of charges, the net average for the past five years of failure to yield the right-of-way violations with a guilty disposition is 3,127. It is unknown how much additional revenue the increase in fines would produce.

Oversight notes since it is unknown how many of the 3,127 violations with guilty disposition resulted in injuries, serious injuries, or deaths, the amount of fine revenue from increasing the fine from \$200 to \$500 (for causing physical injury), or from \$500 to \$1,000 (for causing serious physical injury), or \$1,000 to \$2,500 (for causing a fatality) will be reflected as: 'Could exceed \$100,000.' The proposal also replaces, in this same section, the word "shall" with "may." Therefore, Oversight will assume range the additional fine revenue for failure to yield a right-of-way that may be assessed and collected as "\$0 or" and any additional fine revenue will be distributed to local school districts.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
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LOCAL POLITICAL SUBDIVISIONS

<u>Revenues</u> - Local School Districts	\$0 or Could	\$0 or Could	\$0 or Could
Potential income from increase in fines	exceed	exceed	exceed
regarding failure to yield right-of-way	<u>\$100,000</u>	<u>\$100,000</u>	<u>\$100,000</u>
§304.351			

ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	\$0 or Could exceed <u>\$100,000</u>	\$0 or Could exceed <u>\$100,000</u>	\$0 or Could exceed <u>\$100,000</u>
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FISCAL IMPACT - Small Business

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

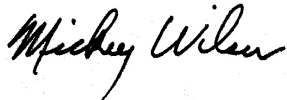
FISCAL DESCRIPTION

§304.351 makes changes to the fines that can be assessed for failure to yield the right-of-way.

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 Prosecution Services
Office of the State Public Defender
Department of Corrections
Office of the State Courts Administrator
Department of Revenue
Department of Transportation
Department of Social Services



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May 4, 2016

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May 4, 2016