

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4336-01
Bill No.: SB 663
Subject: Alcohol; Courts; Crimes and Punishment; Criminal Procedure
Type: Original
Date: January 28, 2016

Bill Summary: This proposal modifies provisions related to criminal offenses.

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 6 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	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol, Department of Mental Health, Department of Health and Senior Services, Office of the State Courts Administrator, Missouri Department of Conservation, Department of Insurance, Financial Institutions and Professional Registration, Department of Transportation, Department of Agriculture, Department of Revenue,** and the **Office of the State Public Defender** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Office of Prosecution Services** assume the proposal would not have a measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

According to officials from the **Office of the Secretary of State (SOS)**, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Department of Corrections (DOC)** state this bill adds and updates felonies related to DWI. The bill re-classifies D and C felonies to E and D in order to align with the 2014 criminal code. The bill contains the required amendment of the felony class of statutes not already amended in the 2014 criminal code that will be enacted in January 2017. The amendments are necessary because the increase in the number of felony classes in the 2014

ASSUMPTION (continued)

criminal code required all felony D and C felonies in the old code to be re-classified as E or D.

This bill proposes to add a sixth element to the existing aggravated stalking statute. An individual accessing or attempting to access an address of a participant in the address confidentiality program and harasses or follows with the intent of harassing another person is guilty of aggravated stalking.

There were 46 new admissions for the class D felony of aggravated stalking in FY15. Twenty seven were probation cases, six were 120 day admissions and thirteen served a term sentence averaging 23 months. There was one new probation admission for the class C felony of aggravated stalking (previous) in FY15. Broadening the definition of this statute may lead to more convictions. The majority can still expect to receive probation for these violations.

For a new class D felony it is assumed that 3 offenders per year would be sentenced for the offense, one to prison and 2 to probation. Probationers would serve an average of 3 years and an offender would serve an average of 1.5 years in prison and two years on parole. The full impact will occur be in year three and the impact will be 1.5 offenders in prison and eight offenders on field supervision.

The DOC assumes a cost of \$12,463 in FY 2017 (1 offender in prison and 4 on probation/parole), \$19,752 in FY 2018 (1 offender in prison and 6 on probation/parole), and \$24,736 in FY 2019 (1 offender in prison and 8 on probation/parole).

Oversight assumes these amounts could be absorbed within existing DOC appropriations. Therefore, Oversight will assume the proposal will not have a material fiscal impact upon the Department of Corrections.

<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
	<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.

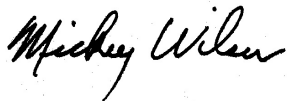
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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
Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator
Department of Corrections
Department of Revenue
Department of Insurance, Financial Institutions and Professional Registration
Office of the Secretary of State
Department of Transportation
Department of Agriculture
Missouri Department of Conservation
Department of Mental Health
Attorney General's Office
Department of Health and Senior Services



Mickey Wilson, CPA
Director

Ross Strobe
Assistant Director

L.R. No. 4336-01
Bill No. SB 663
Page 6 of 6
January 28, 2016

January 28, 2016

January 28, 2016