

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4104-02
Bill No.: SB 778
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies; Drugs and Controlled Substances; Firearms; Weapons; Prisons and Jails; Aircraft and Airports; Hospitals
Type: Original
Date: February 17, 2020

Bill Summary: This proposal creates the offense of unlawful use of unmanned aircraft over certain facilities.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§217.850, 577.800, and 632.460 - Unmanned aircraft

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes relating to the unlawful use of an unmanned aircraft near a correctional center. These new crimes range from a new class A misdemeanor to a class B felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

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 notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. 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.

ASSUMPTION (continued)

Oversight notes the **Department of Corrections (DOC)** has stated the proposal would not have a direct fiscal impact on their organization. In response to a similar proposal (HB 1898), DOC noted the legislation includes the requirement that the department post a warning sign, no smaller than 11" x 14". The cost of the sign from Missouri Vocational Enterprise (MVE) is approximately \$65 each. Therefore, the cost to place one sign at all 22 prisons would be \$1,430 (\$65 x 22). These costs will be absorbed by the Department.

Oversight notes §577.800.5 requires a 11" x 14" warning sign at each high capacity venue. Oversight assumes the cost for these signs will be minimal and, therefore, can be absorbed.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

Oversight notes the **Department of Commerce and Insurance**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety - Fire Safety** and **Missouri State Highway Patrol**, the **Department of Transportation**, the **Office of State Courts Administrator**, the **Metropolitan St. Louis Sewer District**, the **Springfield Police Department**, and the **St. Louis County Police Department** have each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other utilities, EMS, police and sheriffs' departments and the St. Louis Regional Convention and Sports Complex were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Cost - SPD (§§217.850, 577.800, and 632.460) Salaries, fringe benefits, and equipment and expense</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<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

This act creates the offense of unlawful use of unmanned aircraft over certain facilities.

OFFENSE OF UNLAWFUL USE OF UNMANNED AIRCRAFT OVER A CORRECTIONAL CENTER (SECTION 217.850)

Under this act, a person commits the offense of unlawful use of unmanned aircraft over a correctional center if he or she purposely:

- Operates an unmanned aircraft within a vertical distance of 300 feet over a correctional center's secure perimeter fence; or
- Allows an unmanned aircraft to make contact with a correctional center, including any person or object on the premises of or within the facility.

The act sets forth exceptions to when use of an unmanned aircraft over a correctional center shall not be prohibited.

The offense of unlawful use of an unmanned aircraft over a correctional center is punishable as an infraction unless the person using the unmanned aircraft is:

- Delivering a gun, knife, weapon, or other article that can be used to endanger the life of an offender or correctional center employee, in which case the offense is a Class B felony;
- Facilitating an escape from confinement, in which case the offense is a Class C felony; or
- Delivering a controlled substance, in which case the offense is a Class D felony.

FISCAL DESCRIPTION (continued)

OFFENSE OF UNLAWFUL USE OF UNMANNED AIRCRAFT OVER AN OPEN AIR FACILITY (SECTION 577.800)

A person commits the offense of unlawful use of unmanned aircraft over an open air facility if he or she:

- Operates an unmanned aircraft within a vertical distance of 300 feet from the ground and within the property line of an open air facility; or
- Uses an unmanned aircraft with the purpose of delivering to a person within an open air facility a gun, knife, weapon, or other dangerous article or a controlled substance.

The act sets forth exceptions to when use of an unmanned aircraft over an open air facility shall not be prohibited.

The offense of unlawful use of an unmanned aircraft over an open air facility is punishable as a Class A misdemeanor unless the person using the unmanned aircraft is:

- Delivering a gun, knife, weapon, or other article that can be used to endanger the life of an offender or correctional center employee, in which case the offense is a Class B felony; or
- Delivering a controlled substance, in which case the offense is a Class D felony.

OFFENSE OF UNLAWFUL USE OF UNMANNED AIRCRAFT OVER A MENTAL HEALTH HOSPITAL (SECTION 632.460)

A person commits the offense of unlawful use of unmanned aircraft over a mental health hospital if he or she purposely;

- Operates an unmanned aircraft within a vertical distance of 300 feet over the mental health hospital's property line; or
- Uses an unmanned aircraft to deliver to a person confined in a mental health hospital a gun, knife, weapon, or other dangerous article or a controlled substance.

The act sets forth exceptions to when use of an unmanned aircraft over a mental health hospital shall not be prohibited.

FISCAL DESCRIPTION (continued)

The offense of unlawful use of an unmanned aircraft over a mental health hospital is punishable as an infraction unless the person using the unmanned aircraft is:

- Delivering a gun, knife, weapon, or other article that can be used to endanger the life of an offender or correctional center employee, in which case the offense is a Class B felony;
- Facilitating an escape from confinement, in which case the offense is a Class C felony; or
- Delivering a controlled substance, in which case the offense 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 Commerce and Insurance
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Public Safety
Department of Transportation
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office
Metropolitan St. Louis Sewer District
Springfield Police Department
St. Louis County Police Department



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