

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0301-02
Bill No.: SCS for SBs 89 & 37
Subject: Crimes and Punishment; Law Enforcement and Agencies; Agriculture and Animals; Liability; Drugs and Controlled Substances
Type: Original
Date: February 9, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue Fund	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>All</u> State Funds*	(Unknown)	(Unknown)	(Unknown)

*Expected to exceed \$100,000 in any given fiscal year.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** and the **Office of Prosecution Services** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of the State Public Defender** assume that existing staff could provide representation for those 25-50 cases arising where the indigent persons were charged with theft or attempted theft of anhydrous ammonia or liquid nitrogen. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** assume they are unable to determine the number of people who would be convicted under the provisions of this proposal. The DOC had a significant increase in the number of admissions for theft of anhydrous ammonia over the past two years (3 admissions in FY 99 and 18 admissions in FY00). The current average length of incarceration is 15 months for a class D felony and 19 months for a class C felony. New commitments which may result from the creation of the new offenses outlined in this proposal cannot be accurately determined. The utilization of these laws for both new offenses and enhanced penalties for current offenses depends on the actions of prosecutors and the courts. 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 operational costs either through incarceration (FY99 average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

The DOC is unable to estimate the potential need for capital improvements. Estimated construction cost for one new medium-security inmate bed is \$48,300 (at FY99 cost). Utilizing this per-bed cost provides for a conservative estimate by the DOC, as entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, the fiscal impact on the DOC due to passage of this proposed legislation is unknown.

Oversight assumes, based on 18 admissions in FY00, that the fiscal impact of the proposed legislation would exceed \$100,000 annually.

FISCAL IMPACT - State Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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GENERAL REVENUE FUND

<u>Cost - Department of Corrections</u>			
*Incarceration/Probation costs	(Unknown)	(Unknown)	(Unknown)

*Expected to exceed \$100,000 in any given fiscal year.

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposed legislation would classify the theft of any amount of anhydrous ammonia by stealing the tank truck, tank trailer, rail tank car, bulk storage tank, field tank or field applicator a class A felony. It would also classify as a class C felony the theft of any other amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen. It would also classify possession of anhydrous ammonia in a nonapproved container a class D felony.

In addition, the proposal provides owners, operators, buyers, sellers, installers, and certain others, of anhydrous ammonia containers or equipment with immunity from civil liability and suits filed by persons who engage in unauthorized tampering with such containers and equipment.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. The proposal would not affect Total State Revenue.

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of Prosecution Services
Office of State Public Defender
Department of Corrections

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "Jarrett".

Jeanne Jarrett, CPA
Director

February 9, 2001