COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 2782-08
BILL NO.: HCS for SCS for SB 530
SUBJECT: Mental Health; Corrections Department; Mental Health Department; Prisons and Jails; Disabilities; Law Enforcement Officers and Agencies
TYPE: Original
DATE: April 19, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	($2,296,323 to Unknown)	($1,978,281 to Unknown)	($2,020,830 to Unknown)
Criminal Records System	($284,118)	($279,036)	($327,141)
Total Estimated Net Effect on All State Funds	**($2,581,441 TO UNKNOWN)**	**($2,257,317 TO UNKNOWN)**	**($2,347,971 TO UNKNOWN)**

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Federal	($333,100)	($1,302,460)	($982,210)
Total Estimated Net Effect on All Federal Funds	**($333,100)**	**($1,302,460)**	**($982,210)**

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	**$1,500,000 TO (UNKNOWN)**	**$1,500,000 TO (UNKNOWN)**	**$1,500,000 TO (UNKNOWN)**

Numbers within parentheses: ( ) indicate costs or losses.
This fiscal note contains 28 pages.

FISCAL ANALYSIS

ASSUMPTION

SECTIONS 195.017, 195.070, 221.510, 552.020, 552.040, 568.052, 568.072, 650.400, 650.403, 650.406, 650.409, 650.412, and 650.415

Officials from the **Office of State Courts Administrator** assume that this proposal will not fiscally affect their agency.

Officials from the **Department of Corrections** assumed for a similar proposal from this session that they would not be fiscally impacted by this legislation.

Officials from the **Office of Administration - Administrative Hearing Commission (AHC)** stated they do not anticipate that this proposal will significantly alter its caseload. However, if other similar bills also pass, there will be fiscal impact. If there are more cases, or more complex cases, there could be fiscal impact.

Officials from the **Department of Mental Health (DMH)** assumed movement of individuals won't be necessary as the definition of secure facility includes Marshall Habilitation Center as well as other mental health and mental retardation facilities, there would be no fiscal impact as DMH would have no additional responsibility due to the proposed legislation.

However, if the intent of the proposal is to move all MRDD forensic consumers to the Marshall Habilitation Center, non-forensic staff would be move out of Marshall Habilitation Center to the other Habilitation Centers that forensic staff were transferred from. This would result in no additional staff being needed, as well as no additional expense and equipment. However, three group homes on the Marshall Habilitation Center campus would have to be renovated to accommodate the MRDD forensic consumers. Renovations are expected to be $10,000 for each group home, for a total of $30,000. This amount would be a one-time expense. This cost would

ASSUMPTION (continued)

be paid from the General Revenue Fund.

Oversight will range the costs from $0 (assuming no consumers will be moved) to approximately $30,000 in FY2001 (assuming clients will be moved).

Officials from the **Department of Revenue**, the **Department of Public Safety - Missouri State Highway Patrol**, and the **Department of Health** assume this proposal would not fiscally impact their agencies.

Officials from the **Office of Secretary of State** did not respond to our fiscal impact request.

Officials from the **Department of Public Safety - Missouri State Highway Patrol** (**MHP**) state that based upon the proposal as written, no meaningful estimations can be offered without making assumptions. MHP assumes that the intent of the proposal is for the process of checking for pending charges or warrants to be an automation solution. MHP assumes that through the passage of this proposal, the majority of law enforcement and correctional segments of the criminal justice system would be provided access to criminal justice information. MHP also assumes that pending charges or warrants are already recorded in the MULES database.

MHP's Information Systems Division stated that there is no single application system, associated with the Department of Corrections or any associated common database. The proposal would require major revisions and ongoing support in three existing application areas, (MULES, Criminal History, and the Offender Management System II Interface to Criminal History/MULES). Additionally, there is currently no application system which provides the necessary local jail management support. MHP states that a completely new application would have to be designed, developed, documented, implemented and supported in the area of jail management.

MHP's Information Systems Division also stated that there is an issue of access and access capability from all of the sheriffs, police departments (chief law enforcement official in their jurisdiction), private jailers, the Department of Corrections and all regional jail district officials. MHP states that currently, there is not adequate network central site infrastructure to implement and support in terms of routers, hubs, firewalls and switches. There would be the acquisition and maintenance for those components. There is infrastructure in place on the existing CJIS network, but access is still lacking for 46 sheriffs offices. Approximately 510 police departments (60% of the 850 police departments in the state) assumed to have incarceration facilities would have to be connected to the CJIS network supported with the network solution.

ASSUMPTION (continued)

The Information Systems Division would require the following FTE and equipment as a result of this proposal:

10 CITS I (Computer Information Technology Specialist)	$405,360
4 CIT II (Computer Information Technologist)	$129,024
14 FTE total	$534,384

The Information Systems Division would also require routers, hubs, switches and firewalls for the network central:

Routers, Hubs, Switches, and Firewalls (Central Site Upgrade)	$182,000	One-time
Central Site Maintenance	$27,300	
Recurring	$209,300	

Information Systems Division has also determined, based on calculations, that there would be 556 sites that would require connectivity (850 police departments in Missouri with 60% of those requiring connection = 510). In addition to the 510, there are also 46 county sheriffs that are not connected. 510+46 = 556).

556 Circuits @ $325 x 12 months =	$2,168,400	Recurring
556 Sites Installation @ $300 =	$166,800	One-time
Total	**$2,335,200**	

Oversight assumes that the proposal does not require the sites that are not participating in the MULES system to be connected. Oversight believes two additional help desk positions ($33,559) would be needed to handle the increase in telephone calls to check if any warrants are outstanding on individuals before they are released.

Officials from the **Office of Attorney General**, **Office of State Public Defender**, **Office of State Courts Administrator**, **Springfield Police Department**, and the **Columbia Police Department** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Department of Public Safety (DPS) - Missouri Highway Patrol (MHP)** assume even if DPS is responsible for establishing the program, MHP will be tasked with

ASSUMPTION (continued)

administering it. Missouri law enforcement agencies will fully and voluntarily comply with the data collection and submission requirements. The guidance established by the FBI will be followed to become certified as a UCR-compliant state as follows: a) the Missouri UCR program will conform to the national UCR standards, definitions, and information b) MHP will establish a proven, effective, and acceptable quality assurance program c) at least 97% of the state's population will be covered in submitting law enforcement agency reports d) field staff will be necessary to conduct audits, training, and to assist contributing agencies in improving the quality of record practices and crime reporting procedures e) adequate staff will be necessary to administer the program and to maintain and improve the computer hardware and software f) MHP will provide in a timely manner those reports required by the FBI to include Missouri's input for the annual Crime In The United States report.

Prior to June 30, 2004, the program will transition from the collection of summary-based to incident-based statistics. On July 1, 2004, the state will assume full financial responsibility for maintaining the program. The computer equipment needed to initiate this program will be provided under the federal NCAP grant. The computers (450 in year 1 and 100 in year 2) would be located at various sites throughout Missouri. The computers would need to be equipped for connection to the Internet and Internet service would need to be provided at each location. The Information Systems Division would require the following FTEs to design, develop, and maintain the application, and to ensure security:

CITS I - Network	$40,536
CITS I - Internet Developer	$40,536
CITS I - Application Developer	$40,536
CITS I - Technical Support	$40,536
	$162,144

In Year 2, the Information System Division would require 3 additional positions:

Year 2

CIT II (2)	$61,944
CITS I (Network)	$40,536
	$102,480

In Year 3, the Information System Division would require 1 additional position:

Year 3

Help Desk CIT II	$33,559

ASSUMPTION (continued)

The positions would require the standard office equipment. The positions required in the Information Systems Division would be responsible for designing, developing, and maintaining the application, and ensuring security.

The Criminal Records Division would require the following FTEs:

Trainer (9) $270,000 (Salary based on anticipated market value of position)

The Trainer positions in the Criminal Records and Identification Division would be responsible for traveling to the various sites throughout Missouri and training personnel in the proper procedures for collecting and editing crime data. In addition, these positions would be responsible for reviewing crime data forwarded for statistical purposes and reviewing current collecting procedures.

Long Range Implications

Currently, establishing the UCR program is part of the federal Narcotics Control Assistance Program (NCAP) grant (75/25) match. By policy, start up programs such as this, should be eligible for grant funding for only four years. In July 2004, the state should be prepared to accept full responsibility for funding this program as a line item in the state budget. State costs are estimated at 1 million dollars annually to fully run the program when the federal grant authority ends. Estimated local cost would be $838,000.

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Missouri Highway Patrol's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 38 new pages of regulations in the Code of State Regulations at a cost of $26.50 per page, and 57 new pages in the Missouri Register at a cost of $22.50 per page. Costs due to this proposal would be $2,289, the actual fiscal impact would be dependent upon the actual rulemaking authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

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. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** assume there will be a significant impact on local prosecutors based on the proposal's requirements regarding statistical information.

In response to a similar proposal, officials from the **Office of Cole County Prosecuting Attorney** assume they recently implemented a new program in association with OPS which is solely for court disposition information. For this program, there is an annual maintenance fee for each county ranging from $5,000 to $15,000. This proposal would likely require another program or modifications to the existing program which could cost local prosecutors from $100,000 to $2,000,000 over the next three to four years.

In response to a similar proposal, officials from the **Office of Boone County Prosecuting Attorney** assume the MHP is currently privy to the MULES system which contains detailed case information entered by the investigating agency. The incident report is a public record which contains less information than that available through the MULES system. It doesn't appear likely that the MHP will require the incident report information. However, the proposal could be interpreted to require local prosecutors to submit incident information reports to the Missouri Highway Patrol. This would mean significant costs for local prosecutors in the form of increased personnel costs, postage, copies, etc.

Officials from the **Jefferson City Police Department (JCPD)** assume the FBI is moving toward National Incident Based Reporting (NIBRS). JCPD assumes the reporting referred to in the legislation is the NIBRS program. JCPD uses data entry from a transcription system for the incident reports. Because their software is written and maintained by a private firm which no longer supports NIBRS on its programs, JCPD assumes that at a minimum, a program would need to be written to interface with the current software. If entry fields are not compatible, a sizable reprogramming or vendor change would be needed. Officer training in gathering proper information would be required. Due to increased reporting fields, the complexity of NIBRS reporting requirements, supervisor time for review of reports, and quality control for acceptable submissions, based on 24-hour shifts, JCPD would require 2.0 FTE Police Information Clerks ($44,000) and .5 FTE Field Supervisor ($35,000) plus related expense and equipment. JCPD assumes fringe benefits and regular cost of living increases average at 5% annually. **Oversight** assumes other local law enforcement agencies could have similar impacts as a result of this proposal; therefore, Oversight has shown costs to Local Governments as unknown exceeding $100,000.

Officials from the **Office of State Courts Administrator (CTS)** assume that if the laws outlined in the proposed legislation become public, there would be substantial compliance. Therefore,

ASSUMPTION (continued)

CTS would not anticipate a significant impact on the workload of the courts.

Officials from the **Office of the State Public Defender (SPD)** assume that existing staff could provide representation for those 15 to 25 cases arising where indigent persons are charged with leaving a child unattended in a motor vehicle. However, passage of more than one similar proposal could require the SPD to request increased appropriations to cover the cumulative cost of representing the indigent accused.

Officials from the **Office of the Attorney General**, the **Department of Social Services,** the **Department of Public Safety -- Missouri State Highway Patrol, Missouri State Water Patrol, Missouri Capitol Police,** and the **Office of Prosecution Services** assume this portion of the proposal would have no fiscal impact on their agencies.

SECTIONS 43.500, 43.503, 43.506, 43.518, 43.530, 43.532, 43.543, and 610.120

Officials from the **Department of Agriculture; Office of Administration; Department of Economic Development; Department of Elementary and Secondary Education; Department of Transportation; Department of Mental Health; Department of Natural Resources; Department of Health; Department of Labor and Industrial Relations; Department of Corrections; Department of Revenue; Department of Social Services; Department of Public Safety; Missouri Gaming Commission; Office of the Governor; Department of Insurance; Joint Committee On Public Employee Retirement; Missouri Ethics Commission; Missouri House of Representatives; Office of the Lt. Governor; Public School and The Non-Teacher School Employee Retirement System; Office of State Auditor; Office of Secretary of State; Office of State Treasurer; State Tax Commission; Office of State Public Defender; Missouri Veteran's Commission; Moberly Area Community College; University of Missouri Police Department; Harris Stowe State College; Missouri Western State College; Southwest Missouri State University;** and the **Jefferson City Police Department** assume that this portion of the proposal would have no fiscal impact to their agencies.

Officials from the **Department of Conservation** assume this portion of the proposed legislation would have a negligible fiscal impact on their agency.

Officials from the **Office of Prosecution Services** assume this portion of the proposed legislation would have no fiscal impact on their agency; however, assume it will impact local prosecutors.

ASSUMPTION (continued)

Officials from the **Office of St. Louis County Prosecuting Attorney (SCPA)** assume this portion of the proposed legislation would have no fiscal impact on their agency. Their facility currently has finger printing capabilities; however, smaller locations may not have such facilities available which could result in significant costs to them.

The proposal also decreases the reporting time from every 30 days to every 15 days which would not pose a problem for SCPA because their reports are transmitted electronically; however, costs could be incurred by courts who transmit manually.

Officials from the **Office of Boone County Prosecuting Attorney (BCPA)** assume this portion of the proposed legislation would have a significant impact on their agency. As a result of the proposal, prosecuting attorneys would become entities that would process fingerprinting. This proposal would add driving offenses to cases already processed. BCPA may have 2,500 cases pending at any time. Adding 3,000 driving offenses would increase costs significantly.

Officials from the **Office of State Courts Administrator (CTS)** assume this portion of the proposed legislation would make changes in the way information is collected and entered in the state criminal history system maintained by Missouri State Highway Patrol. The implication and the impact for this legislation could be significant and costly for the courts. The judiciary is in the middle of a statewide court automation program, and to comply now would require modifying existing legacy systems that will be replaced within the next two years, as well as modifying the Banner case management system being implemented in the courts now. To comply now, modifications for both ACMS and MOCIS would be required. Also, CTS would need to consider that all other case management (not Banner) systems that are running in the courts (e.g. St. Louis City, Kansas City) would also require modifications.

The proposed definition of "charge code" is not consistent with current practice. The national criminal information center modifier is not currently a part of the charge code. Altering the current practice to comply with the new definition will require reprogramming of automation systems (legacy and Banner case management systems and the State Wide Judicial Information System II (SWJIS II)). The reprogramming, testing, fielding, and training efforts will entail significant man-hours of effort. The court clerk, who is responsible for criminal history reporting, does not receive information of sufficient detail to correctly ascertain the national crime information center modifier (e.g. aggravated assault-family-gun; aggravated assault-family-weapon; aggravated assault-family-strongarm). At this time CTS is unable to determine what effort would be involved to modify various local applications that are not under CTS's control.

ASSUMPTION (continued)

CTS estimates that SWJIS modification would require approximately 1000 hours. ACMS modifications are estimated at 800 hours. MOCIS modifications are also estimated at 800 hours. Not knowing what technology would be required for communications to the appropriate state departments, a range of cost could be encountered. If CTS were to use something like the MQ series, currently used by the Highway Patrol, the cost could be approximately $75,000. The legislation calls for a modifier, mentioned above, which would cost at least $55,000 to add to Banner.

In addition, the proposed addition of Section 43.503.8 RSMo and 43.506.2 RSMo, coupled with the proposed deletion of offenses specifically considered nonreportable, gives law enforcement agencies great latitude on the types and volume of offenses reported to the central repository. This, when taken with the requirements of Section 43.503.4 RSMo requiring the courts to report dispositions of all arrests received by the central repository, has the potential of significantly increasing the volume of dispositions to report. This is especially true in municipal courts, which currently are required to report only driving while intoxicated offenses. Municipal courts are not staffed to assume a greater reporting burden. Leaving the option, has the potential of flooding the criminal history system with minutia on minor offenses, including those currently specifically excluded from reporting requirements. It is not feasible, at this time, to predict which offenses law enforcement agencies would deem appropriate to require arrest and fingerprinting of the suspect; therefore, it is not possible to determine the potential impact on court clerk workloads, but it could be significant.

While it is not possible to develop an exact cost estimate, it is possible that it may cost state government $500,000 or more and be of short-term utility. Local county and municipal costs would also be significant but CTS is not in a position to estimate them. The costs would likely exceed $100,000.

SECTIONS 210.950, 568.030, 568.045, and 568.050

Officials from the **Department of Social Services**, the **Office of Attorney General**, the **Department of Health**, and the **Cooper County Memorial Hospital** assume this proposal would not fiscally impact their agencies.

Officials from the **Barton County Memorial Hospital**, the **Cass Medical Center**, the **Excelsior Springs Medical Center**, the **Lincoln County Memorial Hospital**, the **Pemiscot Memorial Hospital**, the **Phelps County Regional Medical Center**, the **Ray County Memorial Hospital**, the **Samaritan Memorial Hospital**, and the **Ste. Genevieve County Memorial Hospital** did not

ASSUMPTION (continued)

respond to our fiscal impact request.

SECTION 217.750

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

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new supervision cases which may result from the creation of the language in this proposal, but assume it to be a small percentage. Passage of this bill would require Probation and Parole (P&P) to supervise non-custody misdemeanor cases. P&P currently supervises over 900 felony child support cases. The Division of Child Support Enforcement advises that over 300 child support cases were filed in 1999. An increase in supervision depends on the actual provisions imposed by the court. 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 through supervision provided by the Board of Probation and Parole (average of $2.47 per offender, per day). However, it is assumed that providing one year of supervision for those offenders as misdemeanors will impact the number that consequently elevated to felony status each year.

Supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed that the impact would be $0 or a minimal amount that could be absorbed within existing resources.

Oversight assumes, based on information obtained from the Office of State Courts Administrator, that there were 1,770 misdemeanor non-support charges disposed with a guilty outcome during FY 1998. It should be noted that this number represents charges, not cases or defendants; therefore, there may be more than one charge per case. Oversight assumes that a fraction of these charges would result in a defendant being placed on supervised probation. Costs would likely be less than $100,000 annually.

SECTION 221.120

Officials from the **Office of Attorney General** assume this portion of the proposed legislation would have no fiscal impact on their agency.

ASSUMPTION (continued)

Officials from the **Office of State Courts Administrator** assume this portion of the proposed legislation would require the state to reimburse counties for medical expenses paid for convicted inmates' care during jail stay. The general rule has been that, when the state has a statutory obligation to pay, and there is no clear agency responsibility, it becomes an Office of Administration function.

Officials from the **Office of Administration** assume, based on information obtained from the Fulton Reception and Diagnostic Center, approximately 15,000 prisoners were received by the state from counties during 1999. It is assumed that at any given time, there may be as many as 15,000 prisoners held in county jails on state charges that may be found guilty; the state will be liable for costs. It is not known what the average cost of medical services provided to such prisoners might be. A conservative estimate of $100 per prisoner would increase the state's annual criminal bill of cost payment by $1,500,000.

Officials from the **St. Louis County Correctional Medical Facility** assume 10% of their patients represent state offenders being held by the county. During 1999, the cost of health services for the facility totaled $3,012,342. **Oversight** assumes the costs to treat state offenders at the St. Louis County Correctional Medical Facility ($301,234) are included in the estimate provided by the Office of Administration.

SECTION 221.407

Officials of the **Department of Corrections** (DOC) assume no fiscal impact for this portion of the proposal.

Officials from the **Department of Revenue** assume this portion of the proposal would have no fiscal impact provided Jail District boundaries include the area within each member county.

Oversight assumes this portion of the proposal is permissive and would require Jail Districts that wanted to impose a sales tax, (that could not exceed 1%), to receive voter approval.

Jail Districts that would submit the question of levying a sales tax would have election costs.

Oversight assumes the state would retain a 1% collection fee which would be deposited in the States' General Revenue Fund. The amount of revenue that would be generated in a given year is unknown. Currently there are no Regional Jail Districts.

ASSUMPTION (continued)

This portion of the proposal would result in an increase in Total Sales Revenues since Collection Fees are included in the General Revenue Fund and general revenues are included in the calculation of Total State Revenue.

SECTION 565.084

Officials from the **Office of State Courts Administrator** assume this portion of the proposal will not fiscally affect their agency.

Officials from the **Department of Corrections (DOC)** have not responded to Oversight's request for fiscal information on this portion of the proposal nor have they provided a ten-year prison impact statement as required by Section 217.022 RSMo. However, **Oversight** assumes this proposal would have minimal impact on the prison or probation populations. The exact cost cannot be determined, but is expected to be less than $100,000 annually.

SECTION 566.111

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

Currently, the **Department of Corrections (DOC)** cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this portion of the proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. 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 (average of $35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of $2.47 per offender, per day).

The following factors contribute to DOC's minimal assumption:
1) DOC assumes the narrow scope of the crime will not encompass a large number of offenders,
2) The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.

Supervision by the DOC through probation or incarceration would result in some additional

ASSUMPTION (continued)

costs, but it is assumed that the impact would be $0 or a minimal amount that could be absorbed within existing resources.

The need for additional capital improvements is not anticipated at this time. It must be noted that the cumulative effect of various new legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

Officials from the **Office of State Public Defender** assume they could provide representation for those cases arising where indigent persons were charged with the offense(s) outlined in this portion of the proposal. However passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

SECTION 568.176

Officials from the **Office of State Courts Administrator** and **Office of Prosecution Services** assume this portion of the proposal would result in no fiscal impact to their agencies.

Officials from the **State Public Defender (SPD)** did not respond to Oversight's request for fiscal impact on this portion of the proposal. However, for a very similar proposal from the prior session, the SPD assumed that existing staff could provide representation for those 15-20 cases arising where the indigent persons were accused of "buying or selling children." However, the SPD stated that 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.

Officials from the **Department of Corrections (DOC)** did not respond to Oversight's request for fiscal impact on this portion of the proposal. However, for a similar proposal from the prior session the DOC stated new commitments which could result from the creation of the offense(s) outlined in this proposal could not be accurately determined. In addition, changes in penalty provisions for current crimes could result in additional costs due to new commitments and/or longer sentences. The utilization of these laws for both new offenses and enhanced penalties for current offenses depend upon actions of prosecutors and courts.

In addition, the DOC had stated that if additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in

ASSUMPTION (continued)

operational costs either through incarceration (average $35.00 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average $3.50 per offender, per day). Due to the wide variance of crimes and punishments including newly created crimes and punishments, the fiscal impact as it relates to DOC was unknown, but not expected to exceed $100,000 annually.

SECTION 575.230

Officials from the **Office of State Courts Administrator, Office of Attorney General,** and the **Office of Prosecution Services** assume this portion of 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 few cases arising where the indigent persons were charged with the enhanced crime of aiding an escape of a prisoner. 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 the proposed legislation upgrades the existing crime of aiding an escape of a prisoner from a class D Felony to a class B Felony. Currently, the sentence for a class D Felony is two to five years and for a class B Felony is five to fifteen years. Therefore, starting in FY 2003, this proposal could add ten years to a defendant's sentence.

Oversight assumes this portion of the proposal could result in additional costs for supervision and care by the DOC. Although unknown, the amount would likely be less than $100,000 in FY 2003,
but could exceed that amount thereafter.

SECTION 610.122 and SECTIONS 1, 2, 3, 4, 5, and 6

Officials from the **Department of Revenue**, the **Department of Transportation**, the Office of Attorney General, the State Public Defender assume this portion of the proposal would not fiscally impact their agencies.

Officials from the **Office of State Courts Administrator** (**CTS**) state that persons not on

ASSUMPTION (continued)

probation or parole could petition the court to have their criminal record expunged after fifteen consecutive years in which they were conviction free after release from incarceration with the exception of sex offenders, some drug offenders, and certain violent felons. CTS states that it is not possible to estimate the total fiscal impact. However, CTS states they can provide an estimate for the costs to change the case management software to comply with the provision contained in section 610.134. CTS estimates that it would cost between $150,000 and $200,000 to make the software changes to accurately perform the activities required by this provision. CTS states that other costs are not quantifiable at this time but depending upon usage could be significant. CTS states there have been between 60,000 and 63,000 convictions or guilty pleas in recent years that could fit the definition of the qualifying crimes. CTS states they do not have age-of-defendant information.

Officials from the **Department of Corrections** (**DOC**) did not respond to Oversight's fiscal impact request to this portion of the proposal. However, in responding to a similar proposal last session, DOC assumed they have the means available to electronically delete the certain criminal conviction records referred to in this proposal. However, conviction records contained or referred to in written files would have to be removed manually as those records would have been stored during the intervening years at State Archives. It is estimated that a minimum of 4 hours of clerical assistance would be expended at $10 per hour to locate and delete the record. The DOC has no means to predict the number of manual expungements that would be required.

New commitments which could result from the creation of the offense(s) outlined in this proposal could not be accurately determined. In addition, changes in penalty provisions for current crimes could result in additional costs due to new commitments and/or longer sentences. The utilization of these laws for both new offenses and enhanced penalties for current offenses depend upon actions of prosecutors and the courts.

If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (average of $35.00 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of $3.50 per offender, per day).

The need for additional capital improvements would not be anticipated at this time. It must be noted that the cumulative effect of various new legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

Due to the wide variance of crimes and punishments including newly created crimes and

ASSUMPTION (continued)

punishments, the fiscal impact for this portion of the proposal as it relates to the DOC is unknown, but not estimated to exceed $100,000 annually.

Officials from the **Department of Public Safety - Missouri State Highway Patrol** (**MHP**) did not respond to Oversight's fiscal impact request on this portion of the proposal. However, in response to a similar proposal last year, MHP assumed they would have a significant fiscal impact on their budget due to the great number of sealed record requests anticipated. According to MHP, there were approximately 200,000 individuals without an arrest in the past ten years that would be eligible (pursuant to this proposal) to have criminal charges expunged. Assuming that a Quality Control person could seal 5.5 records per day, MHP assumes they would require 70 FTE Quality Control Clerks ($19,968) to handle the expungements within three years. Furthermore, MHP assumes their Criminal Records Division would require 4 FTE Data Entry Clerks ($19,260) and 1 FTE Fingerprint Technician ($22,380), plus related fringe benefits, equipment, and operating expenses to carry out the provisions of this proposal. MHP further assumes the proposal would require the construction of a new building for the additional 77FTE. MHP estimates construction costs at $1,309,000 janitorial costs at $15,400 and utility costs at $24,640.

Additionally, MHP assumes their Information Systems Division would be required to develop automated procedures to address the sealing of records for those individuals who meet the provisions of this proposal. MHP assumes two batch procedures would be required at 75 hours each. The current state contact price for consulting services is $93 per hour. Therefore, MHP assumes the total cost for these procedures would be $13,950 ($93 x 2 x 75 hours). MHP assumes that once a record meeting this criteria has been sealed, it would be treated in the same manner as all other closed records. If the rules regarding who can and cannot receive the sealed records (and for what purpose) is different than the rules for closed records, then such a practice would have an additional impact on MHP.

MHP's Traffic Division would also be affected by this proposal. This division enters roughly 300,000 records in to the Traffic Arrest System/Alcohol and Drug Offense Record System (TAS/ADORS) per year with an estimated total of 2 million records in the database prior to 1999. Based on the provisions of this proposal, MHP officials estimate that 100,000 records would meet the criteria for expungement but only 50,000 would actually be sealed. If the average FTE could expunge 10 records per hour and the FTE works 2,080 hours per year, two (2) Quality Control Clerks would be requested to expunge the 50,000 records.

In response to a nearly identical proposal from the previous legislative session, MHP officials estimated the number of eligible persons at 268,000. **Oversight** assumes all of the estimated

ASSUMPTION (continued)

268,000 eligible persons would not file a petition requesting their criminal records to be sealed. There is no way to estimate the number of sealed records that could result from this proposal; however, Oversight assumes that number would be significantly less than 268,000. Oversight assumes MHP would require 10 FTE Quality Control Clerk I's, plus equipment and operating expenses to carry out the provisions of this proposal. If, after experience with the new procedures outlined in this proposal, the workload proves that additional FTE are required, it is assumed additional FTE could be requested in the normal budget process. Oversight assumes the MHP expenses would be charged to the Criminal Records System Fund.

In response to the previous version of this proposal, officials from the **Office of Prosecution Services (OPS)** assume the proposal would have no fiscal impact on their agency. OPS further assumes that any increase in caseload for local prosecutors as a result of this proposal would be minimal and could be absorbed with existing resources.

FISCAL IMPACT - State Government	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
Income - Department of Revenue - 221.407			
1% collection fee	Unknown	Unknown	Unknown
Costs - Department of Mental Health			
One-time Renovation Costs - 195.017	$0 to ($30,000)	$0	$0
Costs - Office of State Courts Administrator			
On-going costs - 43.500	($500,000 to Unknown)	(Unknown)	(Unknown)
Costs - Department of Public Safety - Missouri State Highway Patrol - 195.017			
Personal services (6 FTE)	($191,430)	($332,596)	($371,883)
Fringe benefits	($61,258)	($106,431)	($119,003)
Expense and equipment	($43,635)	($39,254)	($29,944)
Total Costs - MHP	($296,323)	($478,281)	($520,830)

FISCAL IMPACT - State Government	FY 2001 (10 Mo.)	FY 2002	FY 2003
Costs - Department of Corrections - 195.017			
Probation or incarceration costs	(Less than $100,000)	(Less than $100,000)	(Less than $100,000)
Increased beds	$0	$0	(Less than $100,000)
Costs - Department of Corrections - 217.750			
Probation supervision	(Unknown)	(Unknown)	(Unknown)
Costs - Office of Administration - 221.120			
Medical expenses	($1,500,000)	($1,500,000)	($1,500,000)
Costs - Department of Corrections - 565.084	Less than	Less than	Less than
Increased Prison or Probation Costs	($100,000)	($100,000)	($100,000)
Costs - Department of Corrections - 566.111			
Increased incarcerations	(Less than $100,000)	(Less than $100,000)	(Less than $100,000)
Costs - Department of Corrections - 568.176			
Increased incarcerations	(Unknown)	(Unknown)	(Unknown)
Costs - Department of Corrections - 575.230			
Increased beds	$0	$0	(Less than $100,000)
Costs - Office of State Courts Administrator - 610.122 and sections 1, 2, 3, 4, 5, and 6			
Expungement of records	(Unknown)	(Unknown)	(Unknown)

FISCAL IMPACT - State Government	FY 2001 (10 Mo.)	FY 2002	FY 2003
Costs - Department of Corrections - 610.122 and sections 1, 2, 3, 4, 5, and 6			
Expungement of records	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	**($2,296,323 TO UNKNOWN)**	**($1,978,281 TO UNKNOWN)**	**($2,020,830 TO UNKNOWN)**
CRIMINAL RECORD SYSTEM FUND			
Costs - Department of Public Safety - Missouri State Highway Patrol - 195.017			
Personal services (9 FTE)	$0	($230,625)	($236,391)
Fringe benefits	$0	($88,537)	($90,750)
Total Costs - MHP	$0	($319,162)	($327,141)
Costs - Department of Public Safety - Missouri State Highway Patrol - 610.122 and sections 1, 2, 3, 4, 5, and 6			
Personal service (10 FTE)	($170,492)	($209,789)	($215,034)
Fringe benefits	($65,486)	($62,706)	($64,274)
Expense and equipment	($48,140)	($6,541)	($6,738)
Total Costs - MHP	($284,118)	($279,036)	($286,046)
ESTIMATED NET EFFECT ON CRIMINAL RECORD SYSTEM FUND	**($284,118)**	**($598,198)**	**($613,187)**
FEDERAL FUNDS			
Costs - Department of Public Safety - Missouri State Highway Patrol - 195.017			
Computer expense and equipment	($333,100)	($1,302,460)	($982,210)

FISCAL IMPACT - State Government	FY 2001 (10 Mo.)	FY 2002	FY 2003
ESTIMATED NET EFFECT ON FEDERAL FUNDS	**($333,100)**	**($1,302,460)**	**($982,210)**

FISCAL IMPACT - Local Government	FY 2001 (10 Mo.)	FY 2002	FY 2003
LOCAL POLITICAL SUBDIVISIONS			
Income - Regional jail districts - 221.407			
Sales Tax Trust Fund*	Unknown	Unknown	Unknown
Income - Local Political Subdivisions - 221.120			
Medical expense reimbursements	$1,500,000	$1,500,000	$1,500,000
Costs - Local Political Subdivisions - 43.500	(Exceeds $100,000)	(Exceeds $100,000)	(Exceeds $100,000)
Costs - Local Political Subdivisions - 195.017			
Local Prosecuting Attorneys	($0 to Unknown)	($0 to Unknown)	($0 to Unknown)
Costs - Regional Jail Districts - 221.407			
Operations*	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	**$1,500,000 TO (UNKNOWN)**	**$1,500,000 TO (UNKNOWN)**	**$1,500,000 TO (UNKNOWN)**

FISCAL IMPACT - Local Government	FY 2001 (10 Mo.)	FY 2002	FY 2003
***Oversight assumes this proposal to be permissive. Jail Districts whose governing body would submit to the voters the question of implementing a local sales tax would have election cost. Oversight assumes that costs would not exceed income resulting in either zero or positive fund balances.**			

FISCAL IMPACT - Small Business

Small business located within a Regional Jail District, that would receive voter approval to impose a sales tax would expect to be fiscally impacted to the extent that they would collect and pay the sales tax within those districts.

DESCRIPTION

SECTIONS 195.017, 195.070, 221.510, 552.020, 552.040, 568.052, 568.072, 650.400, 650.403, 650.406, 650.409, 650.412, and 650.415

This provision of the proposal changes the definition of "secure facility" with respect to persons who have been tried and acquitted from responsibility for criminal acts on the basis of mental disease or defect. The proposal adds the Marshall Habilitation Center as a permissible secure facility, and removes the option that an accused may be housed in a private facility under contract with the Department of Mental Health. The proposal also allows a parent or guardian of a person committed to the Marshal Habilitation Center to appeal that decision to the Administrative Hearing Commission.

This provision would make changes to laws concerning crimes and punishments. In its major provisions, the proposal would: (1) make gamma hydroxybutyric acid (GHB) a Schedule I controlled substance, except in circumstances where GHB or its derivatives have been approved for medical use, in which case it is a Schedule III controlled substance. The proposal would also make ketamine and its derivatives a Schedule III controlled substance and would remove it from the list of Schedule IV substances; (2) add gamma butyrolactone and 1,4 butanediol to the list of drugs for which a report would be required to the Department of Health upon all transactions; (3)

DESCRIPTION (continued)

remove certain timing and data requirements from the reports that must be made to the Department of Health concerning controlled substance transactions, but would add new record-keeping requirements that must meet federal and Department of Health standards. The proposal would authorize the department to inspect the establishments of those who transact controlled substances; (5) require the Highway Patrol to develop, operate, and maintain an information system for the storage and analysis of Highway Patrol and other, self-reported, law enforcement agency incident and arrest reports. Data included would also address activity relating to the distribution of methamphetamine and other illegal drugs; and (6) require that the Highway Patrol provide information to the national systems and annually publish a report to the Governor and the Department of Public Safety. The penalty for violation of these provisions is potential ineligibility for state and federal funds.

SECTIONS 43.500, 43.503, 43.506, 43.518, 43.530, 43.532, 43.543, and 610.210

This provision of proposal makes a number of changes with respect to records kept by the State Highway Patrol. The proposal:

(1) Specifies that a state offense cycle number (OCN) must be supplied or approved by the Highway Patrol, and defines the "Missouri charge code" as a unique number assigned by the Office of State Courts Administrator to each offense for tracking purposes (Section 43.500);

(2) Requires that law enforcement agencies, in addition to the information previously required, must now furnish charge codes to the central repository for all arrests within 15 days. Previously, the information was required within 30 days (Sections 43.500, 43.505);

(3) Provides procedures for filing information with the central repository concerning juveniles and juveniles who have been certified as adults, which must be done within 15 days. Currently, information need not be provided unless the juvenile is certified as an adult (Sections 43.503, 43.521);

(4) Requires court clerks to furnish the Department of Corrections or the Department of Mental Health with information concerning the offense, including the charge code, within 15 days of the arrest. Currently, this must be done within 30 days, and the charge code is not required (Section 43.503);

(5) Provides that information, including fingerprints, be taken from offenders at any time after entry into the criminal justice system or being committed to the Department of Mental Health, before final disposition or discharge. If the information is not obtainable at the time of

DESCRIPTION (continued)

processing, the proposal requires it to be obtained at arraignment, and be forwarded with the offense cycle number to the central repository, the prosecuting or circuit attorney, and the court clerk (Section 43.503);

(6) Requires the Department of Corrections to supply the central repository with all legal name changes, in addition to information that must already be updated (Section 43.503);

(7) Allows criminal justice agencies to report information to the central repository with respect to offenders who have not violated an offense categorized in the Missouri charge code manual (Section 43.503);

(8) Changes the offenses to be considered reportable to the central repository (Section 43.506);

(9) Requires the Criminal Records Advisory Committee to meet annually. Currently, it meets semiannually (Section 43.518);

(10) Specifies that the Highway Patrol may spend the proceeds of the Criminal Record Systems Fund for fingerprint searches done by the central repository (Section 43.530);

(11) Requires that information obtained from the central repository must be used for legitimate purposes, and the subject of the record may challenge its accuracy (Section 43.532);

(12) Revises provisions concerning the submission of fingerprints to the Highway Patrol for criminal background checks by those seeking employment, licensure, or certification. Requests must be submitted to the central repository. The proposal specifies the department, agencies, and committees that may request such information (Section 43.532);

(13) Allows sheriffs to submit fingerprints of applicants seeking a permit to acquire a concealable firearm to the central repository and national criminal history files when the sheriff deems appropriate. Applicants must pay the fees for searches. Sheriffs may refuse to issue the permit if waiting on the results of a fingerprint search or there is a suspicion that applicants pose a threat to themselves or others (Section 571.090); and

(14) Specifies that closed arrest records be left open to criminal justice and law enforcement agencies for the administration of justice and employment purposes and for fingerprint searches (Section 610.120).

DESCRIPTION (continued)

SECTIONS 210.950, 568.030, 568.045, and 568.050
This provision of the proposal would establish an affirmative defense to the crimes of abandonment of a child in the first degree (Section 568.030, RSMo) and endangering the welfare of a child in the first degree (Section 568.045) and second degree (Section 568.050) if a parent would leave his or her newborn in the custody of a licensed medical facility and the newborn is no more than 30 days old and has not been abused. The medical facility must treat the child, if necessary, and contact the Division of Family Services, which would be required to take custody of the child within 6 hours of being contacted.

SECTION 217.750

This provision of the proposal requires the State Board of Probation and Parole to provide probation services for offenders convicted for criminal nonsupport when charged as a class A misdemeanor. Currently, the board only provides probation services for criminal nonsupport offenders when charged with class D felonies.

SECTION 221.120

This provision of the proposal would require the state to pay counties for health care costs of state prisoners.

SECTION 221.407

This provision of the proposal would authorize Regional Jail Commissions to have a 1/8%, 1/4%, 3/8% and 1/2% regional sales tax for the purpose of operating a Regional Jail District, if approved by qualified voters of the district. The proposal contains further provisions, which include: ballot language; implementation and effective date of the tax depositing revenue; use of funds collected; and establishment of the Regional Jail District Sales Tax Trust Fund and its operation. The provisions of this proposal will expire August 28, 2015.

SECTION 568.084

This provision of the proposal adds juvenile officer to list of judicial officers in the crime of tampering with judicial officers.

SECTION 566.111

This provision of the proposal makes it a class D felony to knowingly engage in sexual conduct

DESCRIPTION (continued)

with an animal, or knowingly cause another to engage in sexual conduct with an animal for sexual gratification.

SECTION 568.176

This provision of the proposal would make it a class B felony to buy or sell or attempt to buy or sell any person less than 18 years of age.

SECTION 575.230

This provision of the proposal increases the penalty for aiding in the escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction from a class D to a class B felony.

SECTION 610.122 and SECTIONS 1, 2, 3, 4, 5, and 6

This provision of the proposal would make changes to provisions relating to the expungement of criminal records. The provision creates the "Missouri Rehabilitation and Sealed Records Act", which would allow certain defendants who have pled guilty to either one felony or 2 misdemeanors and who meet the act's qualifications to petition the court to have the criminal or juvenile records sealed. Failure to seal records that meet the provision's requirements would be a class B felony, and knowingly using the information contained in sealed records for financial gain would be a class D felony. The public would not have access to the sealed records, but the records would remain open to law enforcement agencies. The provision would also add 2 circumstances in which criminal records may be expunged: (1) if the arrest was based on false information, the subject of the arrest has no suspended imposition of sentence, and there are no pending criminal investigations regarding the arrest; or (2) if no criminal charges have been filed against the subject of the arrest within 10 years.

This legislation is not federally mandated, would not duplicate any other program and may require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration - Administrative Hearing Commission
Office of State Courts Administrator
Department of Mental Health
Department of Corrections

SOURCES OF INFORMATION (continued)

Department of Health
Department of Revenue
Office of Secretary of State
Department of Social Services
State Public Defender
Jefferson City Police Department
Springfield Police Department
Office of Attorney General
Department of Public Safety
  Missouri State Highway Patrol
  Capitol Police
Department of Agriculture
Department of Economic Development
Department of Elementary and Secondary Education
Department of Transportation
Department of Natural Resources
Department of Labor and Industrial Relations
Missouri Gaming Commission
Office of the Governor
Department of Insurance
Joint Committee On Public Employee Retirement
Department of Conservation
Missouri Ethics Commission
Missouri House of Representatives
Office of the Lt. Governor
Office of Prosecution Services
Public School and The Non-Teacher School Employee Retirement System
Office of State Auditor
Office of Secretary of State
Office of State Treasurer
State Tax Commission
Office of State Public Defender
Missouri Veteran's Commission
Moberly Area Community College
University of Missouri Police Department
Harris Stowe State College
Missouri Western State College
Southwest Missouri State University

SOURCES OF INFORMATION (continued)

Jefferson City Police Department
Office of St. Louis County Prosecuting Attorney
Office of Boone County Prosecuting Attorney
Office of Attorney General
Cooper County Memorial Hospital
St. Louis County Correctional Medical Facility

NOT RESPONDING: Barton County Memorial Hospital, Cass Medical Center, Excelsior Springs Medical Center, Lincoln County Memorial Hospital, Pemiscot Memorial Hospital, Phelps County Regional Medical Center, Ray County Memorial Hospital, Samaritan Memorial Hospital, Ste. Genevieve County Memorial Hospital

Jeanne Jarrett, CPA
Director
April 19, 2000