

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0745-01
Bill No.: HB 230
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies; Courts; Motor Vehicles
Type: Original
Date: March 26, 2013

Bill Summary: This proposal creates the crime of dangerous vehicular flight, increases the penalty for resisting arrest by fleeing in a vehicle in a dangerous manner, and requires high speed pursuit training for all peace officers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state this bill proposes to create the crime of dangerous vehicular flight, increases the penalty for resisting arrest by fleeing in a vehicle in a dangerous manner and requires high speed pursuit training for all peace officers.

The penalty provision component of this bill resulting in potential fiscal impact for DOC, is for up to a class C felony and for term sentences up to and including ten years of imprisonment for three degrees of flight crimes. Punishment of these unclassified felonies does not allow for probation, parole, conditional release, suspended imposition or execution of sentence. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this 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 direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional costs to the department and the exact fiscal impact is unknown - but could exceed \$100,000.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal would not have a 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.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of dangerous vehicular flight. The bill also increases the penalty for resisting arrest by fleeing in a vehicle in a dangerous manner.

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.

ASSUMPTION (continued)

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

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

Officials from the **Boone County Sheriff's Department (BCSD)** state at a base minimum, this would cost the BCSD \$4,000.00 in payroll for 3 hours of training for each of at least 61 members that would be required to go through it. This figure does not include any costs associated with identifying and paying an instructor/training vendor to put on the training for us. These costs could be significant in paying for travel expenses and per diems in addition to the base fee for teaching the class.

Officials from the Columbia Police Department, Independence Police Department, Kansas City Police Department, and the St. Charles Police Department did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE			
<u>Costs - Department of Corrections</u>			
Supervision through incarceration or probation	(Unknown - could exceed <u>\$100,000</u>)	(Unknown - could exceed <u>\$100,000</u>)	(Unknown - could exceed <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Unknown - could exceed <u>\$100,000</u>)	(Unknown - could exceed <u>\$100,000</u>)	(Unknown - could exceed <u>\$100,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
LOCAL POLITICAL SUBDIVISIONS			
<u>Costs - Police Departments and Sheriff's Departments - for POST training §590.050 concerning how to handle high speed pursuits</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>(UNKNOWN)</u>	<u>(UNKNOWN)</u>	<u>(UNKNOWN)</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill specifies that any person who commits any misdemeanor or felony offense and then flees the scene of the offense in a vehicle in a manner that creates a substantial risk of serious physical injury or death to any person is guilty of the crime of dangerous vehicular flight. Upon conviction, he or she will be punished by imprisonment for a term of not less than three years for a first offense and will not be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for three years. A person convicted of a second offense of dangerous vehicular flight will be punished by imprisonment for a term of not less than five years and will not be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for five years. A person convicted of a third or subsequent offense of dangerous vehicular flight will be punished by imprisonment for a term of not less than 10 years and will not be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for 10 years. The punishment imposed under these provisions will be in addition to any punishment for the crime committed at the scene of the offense from which the person was fleeing.

The bill modifies the crime of resisting or interfering with arrest, detention, or stop, a class A misdemeanor, by specifying that resisting an arrest, detention, or stop by fleeing in a vehicle in a manner that creates a substantial risk of serious physical injury or death to any person is a class D felony. However, when the flight results in serious physical injury or death to any person, the person is guilty of a class C felony and a person punished under this provision will not be eligible

FISCAL DESCRIPTION (continued)

for parole, probation, conditional release, or suspended imposition or execution of sentence for two years.

The bill adds three hours of training within the law enforcement continuing education three-year reporting period on the handling of high speed pursuits of offenders who are fleeing the scene of a crime in a vehicle in a dangerous manner or who are resisting arrest, detention, or stop by fleeing in a vehicle in a dangerous manner to the continuing education requirements for peace officers.

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

Not Responding:

Columbia Police Department
Independence Police Department
Kansas City Police Department
St. Charles Police Department



Ross Strope
Acting Director
March 26, 2013