

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1675-02  
Bill No.: HB 753  
Subject: Drugs and Controlled Substances; Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: March 26, 2015

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Bill Summary: This proposal requires the Division of Drug and Crime Control, in conjunction with the Crime Laboratory Division, to create a pilot program that uses technologies and protocols to instantly identify new synthetic drugs.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$5,434,350)	(\$2,002,800)	(\$2,033,036)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$5,434,350)</b>	<b>(\$2,002,800)</b>	<b>(\$2,033,036)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Highway	\$274,355	\$390,197	\$364,314
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$274,355</b>	<b>\$390,197</b>	<b>\$364,314</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
General Revenue	11 FTE	11 FTE	11 FTE
Highway	0 FTE	0 FTE	0 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>11 FTE</b>	<b>11 FTE</b>	<b>11 FTE</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state this bill would establish a separate, research oriented function within the Crime Lab Division (CLD) with the focus on analysis of illicit drug specimens, particularly synthetic cannabinoids and cathinones, for the purpose of determining the efficacy of private manufactured field drug screening devices. The illicit drug specimens would be collected by the Division of Drug and Crime Control (DDCC) officers in the field where they would be tested using all available field drug screening devices. The samples would then be delivered to the crime laboratory for confirmatory analysis on more sophisticated laboratory instrumentation. The data collected by CLD would be transferred to DDCC for analysis and reporting.

This would require DDCC to form a new "sub-set" of officers trained in operating and evaluating the devices used. During the pilot program, to effectively evaluate all applicable devices, the officers would need to be trained on all devices.

Based on preliminary numbers, in order to provide an acceptable pilot program, DDCC estimates that seven FTE would be needed for the following areas: Kansas City-Troop A (2), St. Louis-Troop C (2), Springfield-Troop D (1), and Jefferson City-Troop F (1). An additional FTE would be needed in Jefferson City as the Pilot Manager. This FTE would be a Criminalist III with a MS degree with research experience to design and monitor the study, collect and analyze the data from the field officers and Crime Lab, and prepare the annual report to the legislature.

Probationary Trooper $(\$1,584*2*7)+(\$1,678*2*5)$ (7 months entry salary/5 months graduation salary)	\$38,956
Narcotic Investigator (Field Officer)	\$75,588
Criminalist III	\$57,744

\*\*These investigator positions would be filled by members having the rank of Sergeant. The cost to the state would be hiring a new recruit to eventually replace these positions. The starting salary has been shown, but the recruit would go through several salary levels during the first three years. Our figures are based on internal pay increases unique to troopers.

Overall, the cost to the state would be a General Revenue expense with a smaller offsetting savings in Highway (resulting from the difference in pay of the current Sergeants that would staff the pilot program versus the pay of the new recruits who would take their place).

ASSUMPTION (continued)

The following is breakdown of the equipment and expenses per FTE:

Vehicle and Equipment	\$48,149
Academy Training	\$11,597
Weapons, Personal Equipment, etc.	\$2,689
Uniform Allowance	\$800
Vehicle Maintenance	\$1,732
Gasoline	\$9,250
Cell Phone Costs with Mi-Fi Unit	\$1,140
Dell Latitude 15 with Docking Station	\$969
Miscellaneous Trooper Expenses (Ammunition, Leather Replacement, etc.)	\$330

Standard equipment and office furniture would be required for the Criminalist III at a one-time cost of \$3,467.

These devices range from \$20,000 to \$50,000 each. With six officers utilizing ten devices per officer at an average cost of \$35,000 per device ( $\$20,000 + \$50,000 / 2$ ), the initial cost for devices would be \$2,100,000 ( $6 \times 10 \times \$35,000$ ). The annual software upgrade and/or consumable replacements (some devices use disposable test cartridges) would be approximately 25% of the initial cost of the devices ( $\$2,100,000 \times .25$  or \$525,000).

An additional four FTE would be required by the CLD to perform the functions required.

1 - Criminalist Supervisor - to perform bench level instrumental analysis and data collation as well as line supervision of the other personnel in the unit that will be formed.

1- Criminalist III - to perform the instrumental analysis of the illicit drugs supplied by the DDCC enforcement or task force personnel. This FTE will collect and collate the data in a form deliverable to data analysts in the DDCC.

1 - Forensic Laboratory Technician II (FLT) - to perform support functions for the professional staff. The FLT will perform routine quality control testing, routine instrument maintenance and other routine laboratory support functions. \

1 - Laboratory Evidence Technician II (LET) - to accept and return samples of illicit drugs collected by the DDCC. The LET will utilize a Laboratory Information System (LIMS) that is separate from the CLD LIMS to maintain the integrity of CLD accreditation requirements.

ASSUMPTION (continued)

Costs for the Crime Laboratory Division to implement the program are as follows:

Ongoing Costs:

Criminalist Supervisor	\$65,354
Criminalist III	\$57,744
Forensic Laboratory Technician II	\$33,744
Laboratory Evidence Technician II	\$29,004

Chemicals, supplies, reagents, drug standards, instrument maintenance, accreditation costs, proficiency testing expenses, training, etc.	\$50,000
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Janitorial/Trash Costs	\$1.50/Sq Ft
Utility Costs	\$2/Sq Ft

Samples collected and screened by DDCC personnel will be analyzed by the laboratory. Additional laboratory instrumentation will be required by the CLD to perform the analysis requested by DDCC.

Gas Chromatograph/Mass Spectrometer (GC/MS) - will be required to analyze samples submitted to the laboratory by the DDCC personnel.

Fourier Transform Infrared Spectrometer (FTIR) - will be required to analyze samples submitted to the laboratory by DDCC personnel.

High Performance Liquid Chromatograph Tandem Mass Spectrometer (HPLC/MS/MS) - will be required to analyze samples submitted to the laboratory by the DDCC personnel.

Standard equipment and office furniture would be required at a one-time cost of \$3,467 per FTE.

One-Time Costs for Equipment Acquisition

Gas Chromatograph/Mass Spectrometer	\$80,000
Fourier Transform Infrared Spectrometer	\$34,000
HPLC/MS/MS	\$200,000
Capital Improvement Cost	\$1,500,000
Equipment/Office Furniture	\$3,467

In summary, the MHP assumes a cost to the General Revenue Fund of approximately \$5.4 million in FY 2016, and \$2.0 million each year thereafter.

ASSUMPTION (continued)

Officials from the **Department of Health and Senior Services**, the **Office of the State Courts Administrator** and the **Department of Mental Health** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>GENERAL REVENUE</b>			
<u>Costs - MHP</u>			
Personal Service (9 FTE)	(\$580,932)	(\$704,089)	(\$711,130)
Fringe Benefits	(\$503,314)	(\$610,017)	(\$616,117)
Expense & Equipment	(\$50,633)	(\$31,779)	(\$32,452)
Vehicles & Equipment	(\$288,894)	\$0	\$0
Vehicle Maintenance & Gasoline	(\$54,910)	(\$67,540)	(\$69,228)
Gas Chromatograph	(\$80,000)	\$0	\$0
FTI Spectrometer	(\$34,000)	\$0	\$0
HPLC/MS/MS	(\$200,000)	\$0	\$0
Devices	(\$2,100,000)	\$0	\$0
Standards, testing expenses	(\$41,667)	(\$51,250)	(\$52,531)
SW Upgrade/Consumables	\$0	(\$538,125)	(\$551,578)
Capital Improvements	<u>(\$1,500,000)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs - MHP</u>	<u>(\$5,434,350)</u>	<u>(\$2,002,800)</u>	<u>(\$2,033,036)</u>
FTE Change - MHP	9 FTE	9 FTE	9 FTE
 <b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	 <b><u>(\$5,434,350)</u></b>	 <b><u>(\$2,002,800)</u></b>	 <b><u>(\$2,033,036)</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2016	FY 2017	FY 2018
(continued)	(10 Mo.)		

**HIGHWAY FUNDS**

Savings - MHP - from replacing existing troopers (Sergeants) with probationary troopers - (less expensive)	<u>\$274,355</u>	<u>\$390,197</u>	<u>\$364,314</u>
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<b>ESTIMATED NET EFFECT TO HIGHWAY FUNDS</b>	<b><u>\$274,355</u></b>	<b><u>\$390,197</u></b>	<b><u>\$364,314</u></b>
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Estimated Net FTE Change for the Missouri Highway Patrol	0 FTE	0 FTE	0 FTE
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<u>FISCAL IMPACT - Local Government</u>	FY 2016	FY 2017	FY 2018
	(10 Mo.)		
	<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 proposal requires the Division of Drug and Crime Control in the State Highway Patrol within the Department of Public Safety to create a new pilot program that uses technologies and protocols to instantly identify new synthetic cannabinoids and cathinones, as well as other designer drugs. Beginning January 1, 2017, the division must submit an annual report to the General Assembly. The evaluation must include, but not be limited to the following:

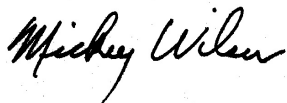
1. Review of technical capabilities and accuracy rates of technologies and protocols for the pilot program;
2. Describe the impact to state and local crime lab backlogs if the technologies and protocols selected could eliminate the need to send synthetic drugs, or other illicit drugs to the crime lab for presumptive testing, including the potential cost savings to state and local government; and
3. Describe the status of the court's acceptance of the technologies and protocols selected for the pilot program for the presumptive identification of synthetic cannabinoids and cathinones and other designer drugs.

The report must also identify any newly created synthetic drugs.

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

### SOURCES OF INFORMATION

Department of Public Safety  
Department of Health and Senior Services  
Office of the State Courts Administrator  
Department of Mental Health



Mickey Wilson, CPA  
Director  
March 26, 2015

Ross Strobe  
Assistant Director  
March 26, 2015