

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0645-01  
Bill No.: HB 98  
Subject: Crimes and Punishment; Criminal Procedure; Children and Minors  
Type: Original  
Date: January 20, 2015

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Bill Summary: This proposal requires community service in lieu of a fine for certain traffic offenses for defendants twenty-one years of age or under.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
Community Service Program Fund*	\$0	\$0	\$0
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Distribution increase (decrease) net to zero.

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 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>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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>(Greater than \$1,000,000)</b>	<b>(Greater than \$1,000,000)</b>	<b>(Greater than \$1,000,000)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at **St. Louis County** assume a loss of approximately \$1,800,000 annually from this proposal.

Officials at the **City of Columbia** assume an unknown negative impact on City revenues in three ways:

- 1.) There is no option to seek fine payments from the minors covered in this bill.
- 2.) When a City vehicle is damaged by a minor (private citizen driver), there is no option to seek restitution. Therefore, the taxpayers will bear the full cost.
- 3.) Establishing or finding a local community service provider that offers all the defendant-oriented services described in the bill is likely to add new costs that must be borne by taxpayers.

Officials at the **Office of the State Public Defender (SPD)** are currently providing defense representation for indigent persons less than 21 years of age who are charged with a Class C misdemeanor traffic offense when jail time is a possibility. If this proposed legislation passes, the Public Defender's caseload may be minimally reduced.

While the reduction in the number of new cases may be too few or uncertain to adjust funding, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Officials at the **Office of the State Courts Administrator** assume the proposed legislation requires community service in lieu of a fine for certain traffic offenses for defendants twenty-one years of age or under. There may be some, unquantifiable at this time, impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials at the **Department of Revenue**, the **Office of Prosecution Services**, the **Department of Social Services**, the **Office of the State Treasurer** and the **Department of Elementary and Secondary Education** each assume no fiscal impact to their respective agencies from this proposal.

Officials at **St. Louis County Board of Election Commission** and **Platte County Board of Election Commission** each assume no fiscal impact from this proposal.

ASSUMPTION (continued)

Officials at the following cities: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Dardenne Prairie, Excelsior Springs, Florissant, Frontenac, Fulton, Gladstone, Grandview, Harrisonville, Independence, Jefferson City, Joplin, Kansas City, Kearney, Knob Noster, Ladue, Lake Ozark, Lebanon, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Pacific, Peculiar, Pineville, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

Officials at the following schools: Blue Springs Public Schools, Branson Public Schools, Caruthersville School District, Charleston R-I Schools, Cole R-I Schools, Columbia Public Schools, Everton R-III School District, Fair Grove Schools, Francis Howell Public Schools, Fulton Public School, Harrisonville School District, Independence Public Schools, Jefferson City Public Schools, Kansas City Public Schools, Kirksville Public Schools, Kirbyville R-VI Schools, Lee Summit Public Schools, Macon School, Malta Bend Schools, Mexico Public Schools, Monroe City R-I Schools, Nixa Public Schools, Parkway Public Schools, Pattonville Schools, Raymore-Peculiar R-III Schools, Raytown School District, Riverview Gardens School District, Sedalia School District, Sikeston Public Schools, Silex Public Schools, Special School District of St. Louis County, Spickard School District, Springfield School District, St Joseph School District, St Louis Public Schools, St. Charles Public Schools, Sullivan Public Schools, Warren County R-III School District and Waynesville Public School did not respond to **Oversight's** request for fiscal impact.

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Bollinger, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Clay, Cole, Cooper, DeKalb, Dent, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Marion, McDonald, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Pulaski, Scott, Shelby, St. Charles, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>COMMUNITY SERVICE PROGRAM FUND</b>			
<u>Income</u> - from gifts, contributions, grants, bequests, or other aid	Unknown	Unknown	Unknown
<u>Costs</u> - program expenses	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON COMMUNITY SERVICE PROGRAM FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2016 (10 Mo.)	 FY 2017	 FY 2018
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Savings</u> - Local Political Subdivisions - work performed by community service	Unknown	Unknown	Unknown
<u>Costs</u> - Local Political Subdivisions - increased administrative costs due to supervision and tracking of community service workers	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
<u>Loss</u> - Local Political Subdivisions - fine revenue decrease due to those 21 and younger in lieu of restitution, court costs, fees, expenses or fines for traffic offenses perform community service	(Greater than <u>\$1,000,000</u> )	(Greater than <u>\$1,000,000</u> )	(Greater than <u>\$1,000,000</u> )
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b>(Greater than <u>\$1,000,000</u>)</b>	<b>(Greater than <u>\$1,000,000</u>)</b>	<b>(Greater than <u>\$1,000,000</u>)</b>

FISCAL IMPACT - Small Business

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

### FISCAL DESCRIPTION

This bill establishes the "Community Service Program," which must include the performance of services at a local, regional, or state level, as determined by the sentencing court. The services must be directed toward residents, businesses, schools, and churches and the program must provide defendants with job skill training, psychological, drug-related, social, or family counseling, as deemed appropriate, and guided inclusion in positive youth-directed activities and peer counseling.

A court must sentence a defendant who is 15 to 17 years old or a defendant who is 18 years old and enrolled in a secondary school to perform community service under a community service program and the conditions as may be established by the court, in lieu of paying restitution, court costs, fees, expenses, or fines, for all traffic offenses deemed infractions, class C misdemeanors, or violations of any ordinance or political subdivision of this state. This proposal will automatically sunset six years after the effective date of this section.

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

Office of the State Public Defender  
Office of the State Courts Administrator  
Office of Prosecution Services  
Department of Social Services  
Department of Revenue  
Office of the State Treasurer  
Department of Elementary and Secondary Education  
St. Louis County Board of Election Commission  
Platte County Board of Election Commission  
St. Louis County  
City of Columbia



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