

COMMITTEE ON LEGISLATIVE RESEARCH  
 OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3663-01  
Bill No.: HB 1587  
Subject: Crimes and Punishment; Roads and Highways; Transportation  
Type: Original  
Date: February 20, 2002

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
General Revenue	Less than (\$100,000)	Less than (\$100,000)	Less than (\$100,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>Less than (\$100,000)</b>	<b>Less than (\$100,000)</b>	<b>Less than (\$100,000)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
None			
<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 LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 5 pages.

**FISCAL ANALYSIS**

## ASSUMPTION

Officials from the **Department of Public Safety – Division of Fire Safety, – Capitol Police, – State Highway Patrol, Department of Health and Senior Services, Department of Natural Resources, Department of Agriculture,** and the **Department of Transportation** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Office of State Public Defender** assume existing staff could provide representation for those cases arising where indigent persons were charged with mass transportation terrorism, a felony. Passage of more than one bill increasing penalties on existing crimes or creating new crimes will require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Department of Corrections (DOC)** assume they 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 operational cost either through incarceration (FY01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC is unable to determine the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and 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.

ASSUMPTION (continued)

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Department of Corrections Incarceration/Probation costs</u>	Less than <u>(\$100,000)</u>	Less than <u>(\$100,000)</u>	Less than <u>(\$100,000)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b>Less than <u>(\$100,000)</u></b>	<b>Less than <u>(\$100,000)</u></b>	<b>Less than <u>(\$100,000)</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2003 (10 Mo.)	 FY 2004	 FY 2005
	<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.

DESCRIPTION

The proposed legislation would create the crime of mass transportation terrorism, a felony for which the punishment would be a fine in an amount not to exceed \$100,000, or imprisonment for a term of not less than ten years and not greater than 20 years, or both fine and imprisonment. If the offense resulted in the death of any person, or if the mass transportation vehicle was carrying a passenger at the time of the offense, the punishment would be a fine in an amount not to exceed \$1,000,000, or imprisonment for a term not less than 10 years or life imprisonment, or both fine and imprisonment.

DESCRIPTION (continued)

Mass transportation terrorism would include wrecking, derailing, setting fire to, or disabling a mass transportation vehicle or ferry; placing a biological agent or toxin, destructive substance, or device in a mass transportation vehicle or ferry with the intent to endanger the safety of passengers or employees of the transportation provider; setting fire to or placing a biological agent or toxin, destructive substance, or device in a garage, terminal, structure, or supply facility used to support or operate a mass transportation vehicle or ferry knowing that such action would likely derail, disable, or wreck a mass transportation vehicle or ferry; removing instruments from, damaging, or otherwise impairing a mass transportation signal system; interfering with, disabling, or incapacitating a dispatcher, driver, captain, or other person who dispatches, operates, or maintains a mass transportation vehicle or ferry; committing an act with the intent to kill or cause serious physical injury to an employee or passenger of a mass transportation provider while on the mass transportation provider's property; passing on false information about an attempt to do any act that would be a violation of the proposal; or attempting, threatening, or conspiring to do any of the acts prohibited by the proposal.

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

SOURCES OF INFORMATION

Department of Public Safety  
– Division of Fire Safety  
– Capitol Police  
– State Highway Patrol  
Office of Prosecution Services  
Office of State Public Defender  
Office of State Courts Administrator  
Department of Health and Senior Services  
Department of Natural Resources  
Department of Corrections  
Department of Agriculture  
Department of Transportation



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Acting Director  
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