

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0269-01  
Bill No.: HB 64  
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies  
Type: Original  
Date: January 28, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
None			
<b>Total Estimated Net Effect on General Revenue Fund</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 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
None			
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</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 2004</b>	<b>FY 2005</b>	<b>FY 2006</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 State Highway Patrol** and the **St. Louis Metropolitan Police Department** 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 the proposed legislation would have no fiscal impact on prosecutors.

Officials from the **Columbia Police Department** assume they could experience a possible savings for not having to call an officer to typist to finish reports prior to the jail releasing a suspect. More time would allow for the paperwork to get to the prosecutor through normal routine channels.

Officials from the **Greene County Sheriff’s Department** assume there would be an increase of costs as a result of this proposal due to the additional time inmates would be held in jail.

ASSUMPTION (continued)

**Oversight** assumes there could be some increase in local jail populations as a result of this proposal. However, Oversight assumes this would be at the discretion of the political subdivisions and any fiscal impact to them should be minimal.

Officials from the **Office of State Public Defender (SPD)** assume if individuals can be held for an additional eight hours prior to being charged with a felony, more people will eventually be charged. SPD estimates an additional 100 A and B felonies and an additional 234 C and D felonies. Therefore, SPD would require 2 FTE Assistant Public Defenders II (each at \$47,100 per year). The SPD estimates the cost of the proposal to be \$139,386 in FY 04; \$158,798 in FY 05; and \$162,866 in FY 06.

In response to a similar proposal, officials from the Office of State Public Defender assumed existing staff could provide representation for those few cases arising where indigent persons were charged with offenses as a result of the increase from the current 20 hour hold to the proposed 36 hour hold. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would 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. Based on this assumption, **Oversight** assumes the SPD could absorb the cost of the proposal within existing resources. If more than one bill passes which increases penalties on existing crimes or creates new crimes, Oversight assumes SPD could request funding for additional FTE through the appropriation process.

Officials from the **Department of Corrections (DOC)** assume they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by 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 through supervision provided by the Board of Probation and Parole (FY 01 average \$3.10 per offender, per day, or an annual cost of \$1,132 per offender).

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

ASSUMPTION (continued)

Officials from the **Jefferson City Police Department** did not respond to our request for fiscal impact. However, in response to a similar proposal, they assumed the proposed legislation would have no fiscal impact on their agency.

Officials from the **Boone County Sheriff's Department** did not respond to our request for fiscal impact. However, in response to a similar proposal from a previous session, officials assumed there would be an increase in costs of approximately \$5,000 per year to their agency for the increased time that they will have to house the people arrested.

**Oversight** assumes there could be some increase in local jail populations as a result of this proposal. However, Oversight assumes this would be at the discretion of the political subdivisions and any fiscal impact to them should be minimal.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<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

This proposal would permit law enforcement officials to detain a person for 32 hours without charging a crime if the person has been arrested for any felony offense. Currently, a person who is arrested for specific felony offenses must be released within 24 hours unless charged with a

crime.

DESCRIPTION (continued)

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 State Courts Administrator  
Department of Corrections  
Department of Public Safety  
    – Missouri State Highway Patrol  
Office of Prosecution Services  
Columbia Police Department  
St. Louis Metropolitan Police Department  
Greene County Sheriff's Department  
Jefferson City Police Department  
Boone County Sheriff's Department

NOT RESPONDING

Jefferson City Police Department  
Boone County Sheriff's Department



Mickey Wilson, CPA  
Director  
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