COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0647-01
Bill No.: SB 225
Subject: Civil Rights; Crimes and Punishment; Disabilities; Employees - Employers; Housing; Landlords and Tenants
Type: Original
Date: February 21, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(Less than $100,000)	(Less than $100,000)	(Less than $100,000)
Total Estimated Net Effect on General Revenue Fund	**(Less than $100,000)**	**(Less than $100,000)**	**(Less than $100,000)**

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other 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 2004	FY 2005	FY 2006
Total Estimated Net Effect on All Federal Funds	**$0**	**$0**	**$0**

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	**$0**	**$0**	**$0**

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services**, **Office of Administration – Division of Personnel**, **Department of Economic Development**, **Department of Revenue**, **Department of Conservation**, and **Department of Transportation** assume the proposal would have no fiscal impact on their agencies.

In response to a similar proposal from the current session, officials from the **Office of the State Courts Administrator** assumed the proposal would have no fiscal impact on their office.

Officials from the **Office of the State Public Defender (SPD)** assume existing staff could provide representation for those few cases arising where indigent persons were charged with committing a crime against service animals. SPD states passage of more than one proposal 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.

Officials from the **Department of Labor and Industrial Relations (DOL)** state it is not possible to predict how many cases this proposal would add to the Missouri Commission on Human Rights (MCHR) workload given the cutbacks in staffing and resources available to the

ASSUMPTION (continued)

MCHR. DOL notes in tough economic times, intake has traditionally increased and we have seen increases in intake at this time. DOL states, therefore, the ability of the MCHR to carry out any additional responsibilities at this time is problematic. The Department estimates a .50 FTE for every 36 new cases to absorb the additional workload. The salary, plus fringe benefits would be $22,908 per year.

Oversight notes, in a similar proposal from last session, DOL assumed the proposal would have no fiscal impact on their department. Therefore, **Oversight** assumes the fiscal impact to be minimal and assumes DOL could absorb the additional responsibilities associated with their request for .50 FTE.

Officials from the **Department of Corrections (DOC)** did not respond to our fiscal impact request. However, in response to a similar proposal from a prior session, DOC stated 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 proposal, the DOC will incur a corresponding increase in operational cost either through incarceration (FY 01 average of $35.78 per inmate per day, or an annual cost of $13,060) or through supervision provided by the Board of Probation and Parole (FY 01 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.

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, the DOC assumes the impact would be less than $100,000 per year.

FISCAL IMPACT - State Government	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
Cost - Department of Corrections			
Incarceration/Probation	**(Less than $100,000)**	**(Less than $100,00)**	**(Less than $100,000)**

FISCAL IMPACT - Local Government	FY 2004 (10 Mo.)	FY 2005	FY 2006
	$0	**$0**	**$0**

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal:

(1) Prohibits discrimination based on use of a service animal in housing, employment, transportation, or public accommodations;

(2) Requires motor vehicles to yield to service animals and their users;

(3) Prohibits persons from harassing, interfering with, or assaulting service animals or their users;

(4) Prohibits disguising animals as service animals;

DESCRIPTION (continued)

(5) Holds owners of service animals responsible for controlling their animals and liable for actual damages caused by the animals; and

(6) Details penalties and remedies for violations.

Officials from the Department of Labor and Industrial Relations indicate most of the unlawful discriminatory acts in this proposal are already protected under the Missouri Human Rights Act, Chapter 213, RSMo.

This proposal is not federally mandated and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Prosecution Services
Office of the State Courts Administrator
Office of Administration – Division of Personnel
Department of Revenue
Department of Conservation
Department of Transportation
Department of Economic Development
Office of the State Public Defender
Department of Labor and Industrial Relations

NOT RESPONDING
Department of Corrections

Mickey Wilson

MICKEY WILSON, CPA

KLR:LR:OD (12/02)

DIRECTOR

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