

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

LR No.: 0706-01
Bill No.: Perfected HB 91
Subject: Counties: Crime Reduction Fund
Type: Original
Date: February 26, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(\$0 to Unknown)	(\$0 to Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on General Revenue Fund	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
School Moneys	\$0	\$0	\$0
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 <u>All</u> 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 of the **Office of State Courts Administrator** stated that this proposal does not specify who would be responsible for receiving and accounting for what would in most cases be installment payments. Since the Sheriff and Prosecutor would be the beneficiaries of the fund, officials assume one of them would provide these services through local funds, and state-paid court clerks would not be required to perform this duty. If this assumption is valid, there would be no appreciable state cost. However, if the court clerks are required to provide this service, there would be a state cost in direct proportion to the volume of transactions.

Officials stated that traffic cases are technically misdemeanors, and if as an alternative to a traffic conviction, a defendant can get a suspended sentence for payment into the crime reduction fund, the potential volume could be in the hundreds of thousands of cases.

If cases that would otherwise have resulted in a conviction are shifted to a suspended imposition or execution of sentences, it is likely to result in the loss of revenue from fines to the schools, crime victims' compensation fund, law enforcement training and other earmarked funds.

ASSUMPTION continued

Officials from the **Department of Corrections (DOC)** assume the fiscal impact due to passage of this bill is unknown. This bill authorizes the creation of a county crime reduction fund and probationers can be required to pay up to \$1,000 to the fund as a condition of probation. Proposed language in §558.019 refers only to misdemeanor probation; however §559.021 does not appear to be limited to only misdemeanors. Willful failure to pay could result in the revocation of probation and incarceration.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offenses(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 additional 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).

At this time, 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 incarceration or probation would result in additional costs. The exact fiscal impact to the DOC is unknown and cannot be estimated.

Officials of the **Office of Prosecution Services** assume no fiscal impact.

Officials of the **Department of Elementary and Secondary Education** assume no fiscal impact.

Jefferson County and **Cass County** officials assume no fiscal impact.

Oversight assume that fiscal impact would depend upon several factors: 1) The County

Commission would need to establish the Crime Reduction Fund; and 2) The amount of fiscal impact would depend on the number of cases the Court would suspend and require

ASSUMPTION continued

payment into the Crime Reduction Fund.

Oversight assumes that to the extent there is a reduction in fines on the local level, schools would receive more money in state aid due to the school aid formula. Therefore, the loss of fine revenues would be subsidized by the State's General Revenue Fund.

Political subdivisions not responding are as follows: The County Commissions of : Callaway, Cass, Clay, Cape Girardeau, Marion, Platte, Taney St. Louis, and Jackson Counties.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
<u>Costs</u> – Department of Corrections			
Incarceration/Probation costs	(Unknown)	(Unknown)	(Unknown)
<u>Transfer out</u> – to State School Moneys Fund	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
STATE SCHOOL MONEYS FUND			
<u>Transfer in</u> – from General Revenue Fund	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – transfer to local school districts	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

This bill allows county commissions to create a County Crime Reduction Fund and specifies the purposes for which the money in the fund can be spent.

DESCRIPTION continued

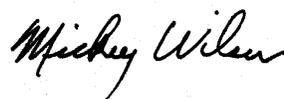
The bill allows the court to order restorative justice methods in cases where there is a suspended imposition or execution of sentence and to order individuals who have a suspended imposition or execution of sentence for a misdemeanor to make a payment of up to \$1,000 to the county crime reduction fund.

The bill allows the court to order a payment of up to \$1,000 to the county crime reduction fund as a condition of probation. A judge can only order such a condition of probation if the county crime reduction fund was established prior to sentencing. A judge cannot have any direct supervisory or administrative control over a fund to which he or she orders probationers to make payments. A defendant can refuse probation that includes payments to a county crime reduction fund as a condition, but probation cannot be revoked solely for failure to make payments to the fund, except under certain circumstances.

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
Office of Prosecution Services
Department of Elementary and Secondary Education
Jefferson County Commission
Callaway County Circuit Clerk
Cass County Clerk



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