

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3066-01
Bill No.: SB 823
Subject: Crimes and Punishment; Drunk Driving/Boating
Type: Original
Date: February 23, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(More than \$201,389)	(More than \$247,866)	(More than \$254,219)
Total Estimated Net Effect on General Revenue Fund*	(MORE THAN \$201,389)	(MORE THAN \$247,866)	(MORE THAN \$254,219)

* Could substantially exceed the amounts given.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue, Department of Public Safety – Missouri State Water Patrol**, and the – **Missouri State Highway Patrol** assume the proposed legislation would have no fiscal impact on their respective agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the legislation could significantly increase the costs to the judiciary. In FY 2000, there were 2,483 cases filed that would go from a class A misdemeanor to a class D felony. Because of the long-term impacts of a felony conviction, CTS would expect many more trials and many more appeals. In addition, felony cases require considerably more clerk time to process than do misdemeanors, significantly increasing the workload of the courts. While CTS cannot provide a precise cost estimate at this time, any significant workload increase will be reflected in future budget requests.

Oversight interprets CTS response to anticipate an unknown cost to their agency, possibly over \$100,000 as a result of this proposal.

Officials from the **Office of Prosecution Services** assume by raising the penalty from a class A misdemeanor to a class D felony, this provision may lead to more jury trials, but this should be absorbed by prosecutors.

ASSUMPTION (continued)

Officials from the **Office of State Public Defender (SPD)** state in FY03, they handled 2,305 misdemeanor DWI cases. These are by definition DWI 1st or 2nd offenses. Assuming DWI 2nd offenses become a felony, one half of the prior misdemeanor DWI cases should become the more serious and more time consuming felony DWI. SPD assumes they would require 2.5 FTE Attorneys (each at \$47,100 per year), .75 FTE Investigators (each at \$24,132 per year), and .5 FTE Secretaries (each at \$19,764 per year), for a total estimated cost of \$201,389 in FY 05; \$247,866 in FY 06; and \$254,219 in FY 07.

Officials from the **Department of Corrections** did not respond to our request for fiscal impact.

Oversight assumes, based upon the response provided by the SPD, the Department of Corrections would incur additional costs as a result of this proposal. Oversight assumes the amount is unknown, but over \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
GENERAL REVENUE FUND			
<u>Costs – Office of State Public Defender</u>			
Personal Service (3.75 FTE)	(\$124,479)	(\$153,109)	(\$156,936)
Fringe Benefits	(\$51,534)	(\$63,387)	(\$64,972)
Equipment and Expense	<u>(\$25,376)</u>	<u>(\$31,370)</u>	<u>(\$32,311)</u>
<u>Total Costs – SPD</u>	(\$201,389)	(\$247,866)	(\$254,219)
<u>Costs - Office of the State Courts Administrator</u>			
Increased workload of the courts	(Unknown)	(Unknown)	(Unknown)
<u>Costs – Department of Corrections</u>			
Incarceration/probation costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND *	(More than <u>\$201,389</u>)	(More than <u>\$247,866</u>)	(More than <u>\$254,219</u>)

* **Could substantially exceed these amounts.**

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<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 proposal would change the classification of an intoxication-related offense from a class A misdemeanor to a class D felony when the person committing the violation is a prior offender.

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 Public Safety
 – Missouri State Highway Patrol
 – Missouri State Water Patrol
Office of Prosecution Services
Office of State Public Defender
Department of Revenue

NOT RESPONDING: Department of Corrections



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Director
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