

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2161-04  
Bill No.: Perfected HCS for HB 972  
Subject: Law Enforcement Officers and Agencies  
Type: Original  
Date: April 29, 2005

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(More than \$100,000)</b>	<b>(More than \$100,000)</b>	<b>(More than \$100,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<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 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

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

Officials from the **Office of State Courts Administrator (CTS)** assume the proposal would enhance the penalties for “chronic” and “aggravated” drunk offenders and create the crime of “aggravated vehicular manslaughter.” CTS assumes some cases may become protracted, but would not anticipate a fiscal impact on the judiciary.

CTS also assumes the legislation would provide that courts may not grant suspended imposition of sentences for certain chronic/aggravated offenders. CTS does not anticipate a fiscal impact on the judiciary.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** assume the proposal would give the Department of Revenue the authority to adopt rules to implement the provisions of this act. These rules would be published in the Missouri Register and the Code of State Regulations. These rules could require as many as 10 pages in the Code of State Regulations and half again as many pages in the Missouri Register, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the Missouri Register is \$23 and the estimated cost of a page in the Code of State Regulations is \$27. Based on these costs, the estimated cost of the proposal is \$615 in FY 06 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

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 chronic or aggravated drunk offenses or aggravated vehicular manslaughter. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD 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 the bill enhances penalties for individuals determined to be chronic and aggravated drunk offenders, as newly defined, and creates the crime of aggravated vehicular manslaughter.

Currently, the DOC cannot predict the number of new commitments which may result from the enhancement 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 (FY04 average of \$38.37 per inmate per day, or an annual cost of \$14,005 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

ASSUMPTION (continued)

At this time, the DOC is unable to determine the number of people who would be convicted under the provisions of this bill and therefore 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. DOC assumes the impact would be greater than \$100,000 per year for their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Department of Corrections</u>			
Incarceration/probation costs	<u>(More than</u> <u>\$100,000)</u>	<u>(More than</u> <u>\$100,000)</u>	<u>(More than</u> <u>\$100,000)</u>
<b>ESTIMATED NET EFFECT ON</b> <b>GENERAL REVENUE FUND</b>	<b><u>(More than</u></b> <b><u>\$100,000)</u></b>	<b><u>(More than</u></b> <b><u>\$100,000)</u></b>	<b><u>(More than</u></b> <b><u>\$100,000)</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2006 (10 Mo.)	 FY 2007	 FY 2008
	 <b><u>\$0</u></b>	 <b><u>\$0</u></b>	 <b><u>\$0</u></b>

### 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 change the laws regarding driving while intoxicated.

The proposal would create the crime of aggravated vehicular manslaughter, a class B felony. The crime would be committed when a person operates a motor vehicle in an intoxicated condition and with criminal negligence:

1. Causes the death of any person not a passenger in the vehicle operated by the defendant;
2. Causes the death of two or more persons;
3. Causes the death of a person less than 15 years of age; or
4. Causes the death of any person while the defendant's blood alcohol content is greater than or equal to .20%.

Currently, "persistent offender," as used in Chapter 577, is defined as a person with two or more convictions for intoxication-related offenses during the past 10 years and "prior offender" as a person with a conviction during the past five years. The proposal would remove the time requirements.

The proposal would define two new types of offenders, "aggravated offender" and "chronic offender," for the purposes of applying the enhanced penalties and prison requirements of Section 577.023. An aggravated offender would be defined as a person convicted of three intoxication-related offenses; or two intoxication-related offenses, when one of them is for involuntary manslaughter, felony murder or murder in the second degree where the underlying felony is an intoxication-related offense, aggravated vehicular manslaughter, assault in the second degree, or assault on a law enforcement officer. A chronic offender would be defined as a person convicted of four or more intoxication-related offenses; involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault on a law enforcement officer in the second degree on two separate occasions; or involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault on a law enforcement officer in the second degree, and two other intoxication-related offenses.

DESCRIPTION (continued)

The proposal would make driving while intoxicated or driving with an excessive blood alcohol a class C felony when the defendant is sentenced as an aggravated offender. When sentenced as a chronic offender, these crimes would be class B felonies. Aggravated offenders would serve at least 60 days of imprisonment and chronic offenders at least two years of imprisonment before becoming eligible for probation or parole.

The proposal would clarify that the word "court," as used in Chapter 577, RSMo, includes municipal and traffic courts but does not include juvenile or drug courts. Murder in the second degree where the underlying felony is an intoxication-related offense and aggravated vehicular manslaughter would be added to the definition of "intoxication-related traffic offense."

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 Revenue  
Department of Public Safety  
    – Capitol Police  
    – Missouri State Highway Patrol  
    – Missouri State Water Patrol  
Office of Prosecution Services  
Office of the Secretary of State  
Office of the State Public Defender



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L.R. No. 2161-04  
Bill No. HCS for HB 972  
Page 7 of 7  
April 29, 2005

April 29, 2005

BLG:LR:OD (12/02)