

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3601-03
Bill No.: Truly Agreed To and Finally Passed HCS for SB 932
Subject: Law Enforcement Officers and Agencies; Public Safety Department; Crimes and Punishment
Type: Original
Date: May 28, 2008

Bill Summary: This proposal allows grant money distributed by the Department of Public Safety to investigate internet sex crimes against children to be used to fund training for prosecuting and circuit attorneys.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|------------|----------------------|----------------------|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| General Revenue | \$0 | (\$1,500,000) | (\$1,500,000) |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | (\$1,500,000) | (\$1,500,000) |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| Cyber Crime Investigation Fund | \$0 | \$0 | \$0 |
| | | | |
| Total Estimated Net Effect on <u>Other</u> 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 2009 | FY 2010 | FY 2011 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety (DPS)** assume the proposal would have an unknown impact to their agency. DPS assumes the increased fund amount and additional expenditures covered may increase the number of grants enough to require an FTE in their budget; however, these expenditures would be within the 3% administrative expenses allowed for this program.

Officials from the **Office of the State Courts Administrator** and the **Office of the State Treasurer** each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version of this proposal, officials from the **Office of the State Public Defender (SPD)** stated while the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

In response to a previous version of this proposal, officials from the **Office of Prosecution Services (OPS)** assume this proposal would have a positive direct fiscal impact on county prosecutors and the OPS by providing funding for the training of prosecuting and circuit attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary equipment, supplies, and services. OPS is not aware of any estimates as to the amount of money will potentially be available for the training, equipment, supplies and services envisioned in this legislation and is therefore unable to quantify the extent of this positive fiscal impact.

In response to a similar proposal from this year (SB 795), officials from the **Department of Public Safety – Missouri State Highway Patrol, Boone County Sheriff's Department,** and the **Springfield Police Department** assumed the proposal would have no fiscal impact on their agencies.

Oversight notes that the approved budget amount for FY 2008 for this program is \$1.4 million, of which \$1 million is core, with two one-time expenditure appropriations of \$150,000 and \$250,000. The DPS budget request for FY 2009 is \$1 million, with the total Governor's recommendation equaling \$1.5 million. Oversight will assume the \$3 million specified in the proposal as the annual appropriation for this program, is not in addition to the current \$1.5 million, but encompasses current appropriation. Therefore, Oversight will assume a net increase of \$1.5 million (\$3 million per statutes less \$1.5 million in Governor's FY 2009 recommendation) from General Revenue to fund this program. Oversight assumes the portion of the bill that allows the grants to be utilized by prosecuting and circuit attorneys (and their

ASSUMPTION (continued)

assistants) simply expands the options which the grant money handed down from the Department of Public Safety (DPS) may be utilized, and that it will not directly result in additional moneys being granted by DPS.

| <u>FISCAL IMPACT - State Government</u> | FY 2009 (10 Mo.) | FY 2010 | FY 2011 |
|---|---------------------|--|--|
| GENERAL REVENUE | | | |
| <u>Savings</u> - current appropriation to the program - will now be funded through the Cyber Crime Investigation Fund instead of the General Revenue Fund | | \$1,500,000 | \$1,500,000 |
| <u>Transfer Out</u> - to the Cyber Crime Investigation Fund | <u>\$0</u> | <u>(\$3,000,000)</u> | <u>(\$3,000,000)</u> |
| ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND | <u>\$0</u> | <u>(\$1,500,000)</u> | <u>(\$1,500,000)</u> |
| CYBER CRIME INVESTIGATION FUND | | | |
| <u>Transfer In</u> - from General Revenue | \$0 | \$3,000,000 | \$3,000,000 |
| <u>Costs</u> - Costs allowed to the Department of Public Safety to administer the program (up to 3% per 650.120.2) DPS assumed an unknown cost | \$0 | (Up to \$90,000) | (Up to \$90,000) |
| <u>Costs</u> - Department of Public Safety Grants to multijurisdictional Internet cyber crime law enforcement task forces | <u>\$0</u> | (\$2,910,000) to <u>(\$3,000,000)</u> | (\$2,910,000) to <u>(\$3,000,000)</u> |
| ESTIMATED NET EFFECT TO THE CYBER CRIME INVESTIGATION FUND | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2009 (10 Mo.) | FY 2010 | FY 2011 |
|---|---------------------|------------|------------|
| | <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.

FISCAL DESCRIPTION

This act creates the "Cyber Crime Investigation Fund". This fund shall be used solely for the administration of the Cyber Crime Investigation Grant Program. Beginning with fiscal year 2010, the General Assembly shall appropriate three million dollars to the fund annually. The Department of Public Safety shall administer the fund.

This act allows money distributed by the Department of Public Safety to investigate internet sex crimes against children to be used to fund training for prosecuting and circuit attorneys. Currently, the money can only be used for other purposes, including training law enforcement personnel.

Currently, peace officers who make traffic stops are required to receive annual training concerning the prohibition of race profiling. This act changes the training requirement to three hours within the law enforcement continuing education three-year reporting period.

Currently, a search warrant shall be executed as soon as practicable and shall expire if not executed and the return made within ten days after the date of making the application. Under this act, a search and any subsequent searches of the contents of any property, article, material, or substance seized and removed from the location of the execution of any search warrant during its execution may be conducted at any time during or after the execution of the warrant, subject to the continued existence of probable cause to search. A search and any subsequent searches may be conducted after the time for delivering the warrant, return, and receipt to the issuing judge has expired. A supplemental return and receipt shall be delivered to the judge upon final completion of any search which ends after the expiration of time for delivering the original return and receipt.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Public Safety
Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer
Boone County Sheriff's Department
Springfield Police Department

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large, prominent "M" and "W".

Mickey Wilson, CPA
Director
May 28, 2008