

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 3573-02  
BILL NO.: HB 1484  
SUBJECT: Crimes and Punishment; Cemeteries  
TYPE: Original  
DATE: January 31, 2000

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<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>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of the State Public Defender (SPD)** assume that existing staff could provide representation for those 10 to 25 cases arising where indigent persons are charged with institutional vandalism of a cemetery. However, passage of more than one similar proposal could require the SPD to request increased appropriations to cover the cumulative cost of representing the indigent accused.

Officials from the **Office of Prosecution Services** assume the proposal could increase the workload of some county prosecutors. OPS assumes the local costs would be less than \$100,000 annually.

The proposal would reduce the damage amount from \$1,000 to \$500 for class A misdemeanor charges; however, it would increase the maximum threshold for class D felony charges from \$5,000 to \$10,000. Although some cases previously charged as class A misdemeanors would be charged as class D felonies under this proposal, any increase in workload would likely be offset by the shifting of class C to class D felonies due to the reduced threshold. Overall, **Oversight** assumes that the impact on local prosecutors would be minimal and could be absorbed with existing resources.

Officials from the **Department of Corrections (DOC)** assume the proposal could have an unknown fiscal impact on prison populations. However, due to the narrow scope of the crime, DOC assumes that any costs incurred would be minimal and could be absorbed with existing resources. It should be noted that the cumulative effect of various new legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

Officials from the **Office of the Attorney General** and the **Department of Public Safety – Missouri State Highway Patrol** did not respond to our request for fiscal impact statement.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

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 make changes to the crime of institutional vandalism. Currently, if damages are less than \$1,000, institutional vandalism is considered a class A misdemeanor; if damages are over \$1,000, it is a class D felony; and if damages are over \$5,000, it is a class C felony. This proposal would revise the penalties as follows: if damages are less than \$500, institutional vandalism would be a class A misdemeanor; if damages are over \$500, it would be a class D felony; and if damages are over \$10,000, it would be a class C felony. In addition, if damages are over \$100,000, incarceration of seven years without probation or parole would be required. In all cases of institutional vandalism, the offender would be required to pay restitution for damages to property. The proposal would also give the right of civil action for damages or losses to owners of property adjacent to cemeteries and caretakers of abandoned family cemeteries. Currently, only those who incur bodily injury or damage to personal property have a right to civil relief.

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

Office of State Courts Administrator  
Office of the State Public Defender  
Office of Prosecution Services  
Department of Corrections

**NOT RESPONDING: Office of the Attorney General; Department of Public Safety –  
Missouri State Highway Patrol.**



Jeanne Jarrett, CPA  
Director  
January 31, 2000