

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 4396-04
BILL NO.: HCS for HB 1973 and 1880
SUBJECT: Drugs and Controlled Substances; Health Care; Health Department
TYPE: Original
DATE: April 3, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(\$296,323 to \$496,323)	(\$478,281 to \$678,281)	(\$520,830 to \$720,830)
Criminal Record System	\$0	(\$319,162)	(\$327,141)
Total Estimated Net Effect on <u>All</u> State Funds	(\$296,323 TO \$496,323)	(\$797,443 TO \$997,443)	(\$847,971 TO \$1,047,971)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Federal	(\$333,100)	(\$1,302,460)	(\$982,210)
Total Estimated Net Effect on <u>All</u> Federal Funds	(\$333,100)	(\$1,302,460)	(\$982,210)

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	(\$0 TO UNKNOWN)	(\$0 TO UNKNOWN)	(\$0 TO UNKNOWN)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 12 pages.

FISCAL ANALYSIS

ASSUMPTION

SECTIONS 195.017, 195.070, and 195.400

Officials from the **Department of Revenue**, the **Department of Public Safety - Missouri State Highway Patrol**, and the **Department of Health** assume this proposal would not fiscally impact their agencies.

Officials from the **Office of Secretary of State** did not respond to our fiscal impact request.

SECTION 221.510

Officials from the Department of Public Safety - Missouri State Highway Patrol (MHP) state that based upon the proposal as written, no meaningful estimations can be offered without making assumptions. MHP assumes that the intent of the proposal is for the process of checking for pending charges or warrants to be an automation solution. MHP assumes that through the passage of this proposal, the majority of law enforcement and correctional segments of the criminal justice system would be provided access to criminal justice information. MHP also assumes that pending charges or warrants are already recorded in the MULES database.

MHP's Information Systems Division stated that there is no single application system, associated with the Department of Corrections or any associated common database. The proposal would require major revisions and ongoing support in three existing application areas, (MULES, Criminal History, and the Offender Management System II Interface to Criminal History/MULES). Additionally, there is currently no application system which provides the necessary local jail management support. MHP states that a completely new application would have to be designed, developed, documented, implemented and supported in the area of jail management.

MHP's Information Systems Division also stated that there is an issue of access and access capability from all of the sheriffs, police departments (chief law enforcement official in their jurisdiction), private jailers, the Department of Corrections and all regional jail district officials. MHP states that currently, there is not adequate network central site infrastructure to implement and support in terms of routers, hubs, firewalls and switches. There would be the acquisition and maintenance for those components. There is infrastructure in place on the existing CJIS network, but access is still lacking for 46 sheriffs offices. Approximately 510 police departments (60% of the 850 police departments in the state) assumed to have incarceration facilities would have to be connected to the CJIS network supported with the network solution.

ASSUMPTION (continued)

The Information Systems Division would require the following FTE and equipment as a result of this proposal:

10 CITS I (Computer Information Technology Specialist)	\$405,360
4 CIT II (Computer Information Technologist)	\$129,024
14 FTE total	\$534,384

The Information Systems Division would also require routers, hubs, switches and firewalls for the network central

Routers, Hubs, Switches, and Firewalls (Central Site Upgrade)	\$182,000	One-time
Central Site Maintenance	\$27,300	
Recurring	\$209,300	

Information Systems Division has also determined, based on calculations, that there would be 556 sites that would require connectivity (850 police departments in Missouri with 60% of those requiring connection = 510). In addition to the 510, there are also 46 county sheriffs that are not connected. $510+46 = 556$).

556 Circuits @ \$325 x 12 months =	\$2,168,400	Recurring
556 Sites Installation @ \$300 =	<u>\$166,800</u>	One-time

Total **\$2,335,200**

Oversight assumes that the proposal does not require the sites that are not participating in the MULES system to be connected. Oversight believes two additional help desk positions (\$33,559) would be needed to handle the increase in telephone calls to check if any warrants are outstanding on individuals before they are released.

SECTIONS 650.400, 650.403, 650.406, 650.409, 650.412, and 650.415

Officials from the **Office of Attorney General, Office of State Public Defender, Office of State Courts Administrator, Springfield Police Department, and the Columbia Police Department** assume the proposed legislation would have no fiscal impact on their agencies.

ASSUMPTION (continued)

Officials from the **Department of Public Safety (DPS) - Missouri Highway Patrol (MHP)** assume even if DPS is responsible for establishing the program, MHP will be tasked with administering it. Missouri law enforcement agencies will fully and voluntarily comply with the data collection and submission requirements. The guidance established by the FBI will be followed to become certified as a UCR-compliant state as follows: a) the Missouri UCR program will conform to the national UCR standards, definitions, and information b) MHP will establish a proven, effective, and acceptable quality assurance program c) at least 97% of the state's population will be covered in submitting law enforcement agency reports d) field staff will be necessary to conduct audits, training, and to assist contributing agencies in improving the quality of record practices and crime reporting procedures e) adequate staff will be necessary to administer the program and to maintain and improve the computer hardware and software f) MHP will provide in a timely manner those reports required by the FBI to include Missouri's input for the annual Crime In The United States report.

Prior to June 30, 2004, the program will transition from the collection of summary-based to incident-based statistics. On July 1, 2004, the state will assume full financial responsibility for maintaining the program. The computer equipment needed to initiate this program will be provided under the federal NCAP grant. The computers (450 in year 1 and 100 in year 2) would be located at various sites throughout Missouri. The computers would need to be equipped for connection to the Internet and Internet service would need to be provided at each location. The Information Systems Division would require the following FTEs to design, develop, and maintain the application, and to ensure security:

CITS I - Network	\$40,536
CITS I - Internet Developer	\$40,536
CITS I - Application Developer	\$40,536
CITS I - Technical Support	<u>\$40,536</u>
	<u>\$162,144</u>

In Year 2, the Information System Division would require 3 additional positions:

Year 2	
CIT II (2)	\$61,944
CITS I (Network)	<u>\$40,536</u>
	<u>\$102,480</u>

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ASSUMPTION (continued)

In Year 3, the Information System Division would require 1 additional position:

Year 3
Help Desk CIT II \$33,559

The positions would require the standard office equipment. The positions required in the Information Systems Division would be responsible for designing, developing, and maintaining the application, and ensuring security.

The Criminal Records Division would require the following FTEs:

Trainer (9) \$270,000 (Salary based on anticipated market value of position)

The Trainer positions in the Criminal Records and Identification Division would be responsible for traveling to the various sites throughout Missouri and training personnel in the proper procedures for collecting and editing crime data. In addition, these positions would be responsible for reviewing crime data forwarded for statistical purposes and reviewing current collecting procedures.

Long Range Implications

Currently, establishing the UCR program is part of the federal Narcotics Control Assistance Program (NCAP) grant (75/25) match. By policy, start up programs such as this, should be eligible for grant funding for only four years. In July 2004, the state should be prepared to accept full responsibility for funding this program as a line item in the state budget. State costs are estimated at 1 million dollars annually to fully run the program when the federal grant authority ends. Estimated local cost would be \$838,000.

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Missouri Highway Patrol's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 38 new pages of regulations in the Code of State Regulations at a cost of \$26.50 per page, and 57 new pages in the Missouri Register at a cost of \$22.50 per page. Costs due to this proposal would be \$2,289, the actual fiscal impact would be dependent upon the actual rulemaking authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

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ASSUMPTION (continued)

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Office of Prosecution Services (OPS)** assume there will be a significant impact on local prosecutors based on the proposal's requirements regarding statistical information.

In response to a similar proposal, officials from the **Office of Cole County Prosecuting Attorney** assume they recently implemented a new program in association with OPS which is solely for court disposition information. For this program, there is an annual maintenance fee for each county ranging from \$5,000 to \$15,000. This proposal would likely require another program or modifications to the existing program which could cost local prosecutors from \$100,000 to \$2,000,000 over the next three to four years.

In response to a similar proposal, officials from the **Office of Boone County Prosecuting Attorney** assume the MHP is currently privy to the MULES system which contains detailed case information entered by the investigating agency. The incident report is a public record which contains less information than that available through the MULES system. It doesn't appear likely that the MHP will require the incident report information. However, the proposal could be interpreted to require local prosecutors to submit incident information reports to the Missouri Highway Patrol. This would mean significant costs for local prosecutors in the form of increased personnel costs, postage, copies, etc.

Officials from the **Jefferson City Police Department (JCPD)** assume the FBI is moving toward National Incident Based Reporting (NIBRS). JCPD assumes the reporting referred to in the legislation is the NIBRS program. JCPD uses data entry from a transcription system for the incident reports. Because their software is written and maintained by a private firm which no longer supports NIBRS on its programs, JCPD assumes that at a minimum, a program would need to be written to interface with the current software. If entry fields are not compatible, a sizable reprogramming or vendor change would be needed. Officer training in gathering proper information would be required. Due to increased reporting fields, the complexity of NIBRS reporting requirements, supervisor time for review of reports, and quality control for acceptable submissions, based on 24-hour shifts, JCPD would require 2.0 FTE Police Information Clerks (\$44,000) and .5 FTE Field Supervisor (\$35,000) plus related expense and equipment. JCPD assumes fringe benefits and regular cost of living increases average at 5% annually.

ASSUMPTION (continued)

Oversight assumes other local law enforcement agencies could have similar impacts as a result of this proposal; therefore, Oversight has shown costs to Local Governments as unknown exceeding \$100,000.

SECTION 568.052

Officials from the **Office of State Courts Administrator (CTS)** assume that if the laws outlined in the proposed legislation become public, there would be substantial compliance. Therefore, CTS would not anticipate a significant impact on the workload of the courts.

Officials from the **Office of the State Public Defender (SPD)** assume that existing staff could provide representation for those 15 to 25 cases arising where indigent persons are charged with leaving a child unattended in a motor vehicle. 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 the Attorney General, the Department of Social Services, the Department of Public Safety -- Missouri State Highway Patrol, Missouri State Water Patrol, Missouri Capitol Police,** and the **Office of Prosecution Services** assume the proposal would have no fiscal impact on their agencies.

SECTION 568.065

Officials from the **Office of the Attorney General (AGO), Office of State Courts Administrator (CTS), Department of Health (DOH), Department of Social Services (DOS), Department of Public Safety (DPS), Office of Prosecution Services (OPS), and State Public Defender (SPD)** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Department of Corrections (DOC)** assume the proposed legislation would have minimal fiscal impact that could be absorbed by the agency.

Oversight assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC cannot be determined, but would likely be less than \$100,000 annually.

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ASSUMPTION (continued)

SECTION 570.030 and 570.080

Officials of the **Office of State Courts Administrator (CTS)** stated that this proposal would increase the penalty for some stealing offenses and lower the threshold for certain felony thefts. CTS would not anticipate a significant impact on the workload of the judiciary.

Officials from the **Office of the State Public Defender (SPD)** assume that existing staff could provide representation for those stealing cases arising where the indigent persons were charged with escalated felonies due to the amount of dollars involved. However, passage of more than one similar proposal would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

In response to an identical proposal this session, officials from the **Department of Public Safety - Missouri State Highway Patrol and Missouri Capitol Police, the Office of Prosecution Services, and the Office of the Attorney General** assumed there would be no fiscal impact on their agencies.

In response to a similar proposal last session, officials from the **Department of Corrections (DOC)** assumed it would lower the value threshold from \$750 to \$425, thereby lowering the value by which stealing becomes a class C felony. This could result in more offenders being convicted of a class C felony and could impact the length of stay of offenders sentenced to confinement. The DOC could not predict the impact that would result from the raising and lowering of these value thresholds on the number of offenders sentenced to incarceration or to a period of probation, but assumed the impact would be minimal and could be absorbed with existing resources. DOC assumed the need for additional capital improvements would not be anticipated as a result of a similar proposal. However, it must 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. Overall, the total ten year fiscal impact was unknown, but DOC officials assumed the fiscal impact would be \$0 or a minimal amount that could be absorbed.

Oversight assumes the proposal could result in more offenders being incarcerated or placed on probation. Oversight further assumes the additional costs for supervision and care by the DOC, although unknown, would likely be less than \$100,000 annually.

MPW:LR:OD:005 (9-94)

ASSUMPTION (continued)

SECTION 575.230

Officials from the **Office of State Courts Administrator, Office of Attorney General, and the Office of Prosecution Services** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of the State Public Defender** assume that existing staff could provide representation for those few cases arising where the indigent persons were charged with the enhanced crime of aiding an escape of a prisoner. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** assume the proposed legislation upgrades the existing crime of aiding an escape of a prisoner from a class D Felony to a class B Felony. Currently, the sentence for a class D Felony is two to five years and for a class B Felony is five to fifteen years. Therefore, starting in FY 2003, this proposal could add ten years to a defendant's sentence.

Oversight assumes the proposal could result in additional costs for supervision and care by the DOC. Although unknown, the amount would likely be less than \$100,000 in FY 2003, but could exceed that amount thereafter.

Department of Corrections and Office of Prosecution Services officials did not respond to our fiscal impact request.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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GENERAL REVENUE FUND

Costs - Department of Public Safety -
Missouri State Highway Patrol

Personal services	(\$191,430)	(\$332,596)	(\$371,883)
Fringe benefits	(\$61,258)	(\$106,431)	(\$119,003)
Expense and equipment	(\$43,635)	(\$39,254)	(\$29,944)
Total <u>Costs</u> - MHP	<u>(\$296,323)</u>	<u>(\$478,281)</u>	<u>(\$520,830)</u>

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<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<u>Costs - Department of Corrections</u>			
Probation or incarceration costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Probation or incarceration costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Increased beds	<u>\$0</u>	<u>\$0</u>	<u>(Less than \$100,000)</u>

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$296,323 TO \$496,323)</u>	<u>(\$478,281 TO \$678,281)</u>	<u>(\$520,830 TO \$720,830)</u>
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**CRIMINAL RECORD SYSTEM
FUND**

Costs - Department of Public Safety -
Missouri State Highway Patrol

Personal services	\$0	(\$230,625)	(\$236,391)
Fringe benefits	<u>\$0</u>	<u>(\$88,537)</u>	<u>(\$90,750)</u>
Total <u>Costs</u> - MHP	<u>\$0</u>	<u>(\$319,162)</u>	<u>(\$327,141)</u>

**ESTIMATED NET EFFECT ON
CRIMINAL RECORD SYSTEM
FUND**

\$0 (\$319,162) (\$327,141)

FEDERAL FUNDS

Costs - Department of Public Safety -
Missouri State Highway Patrol

Computer expense and equipment	<u>(\$333,100)</u>	<u>(\$1,302,460)</u>	<u>(\$982,210)</u>
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**ESTIMATED NET EFFECT ON
FEDERAL FUNDS**

(\$333,100) (\$1,302,460) (\$982,210)

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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LOCAL POLITICAL SUBDIVISIONS

Costs - Local Political Subdivisions

Local Prosecuting Attorneys	(\$0 to Unknown)	(\$0 to Unknown)	(\$0 to Unknown)
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**ESTIMATED NET EFFECT ON
 LOCAL POLITICAL SUBDIVISIONS**

	<u>(\$0 TO UNKNOWN)</u>	<u>(\$0 TO UNKNOWN)</u>	<u>(\$0 TO UNKNOWN)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal would make changes to laws concerning crimes and punishments. In its major provisions, the proposal would: (1) make gamma hydroxybutyric acid (GHB) a Schedule I controlled substance, except in circumstances where GHB or its derivatives have been approved for medical use, in which case it is a Schedule III controlled substance. The proposal would also make ketamine and its derivatives a Schedule III controlled substance and would remove it from the list of Schedule IV substances; (2) add gamma butyrolactone and 1,4 butanediol to the list of drugs for which a report would be required to the Department of Health upon all transactions; (3) remove certain timing and data requirements from the reports that must be made to the Department of Health concerning controlled substance transactions, but would add new record-keeping requirements that must meet federal and Department of Health standards. The proposal would authorize the department to inspect the establishments of those who transact controlled substances; (5) require the Highway Patrol to develop, operate, and maintain an information system for the storage and analysis of Highway Patrol and other, self-reported, law enforcement agency incident and arrest reports. Data included would also address activity relating to the distribution of methamphetamine and other illegal drugs; and (6) require that the Highway Patrol provide information to the national systems and annually publish a report to the Governor and the Department of Public Safety. The penalty for violation of these provisions is potential ineligibility for state and federal funds.

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DESCRIPTION (continued)

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

Department of Health
Department of Revenue
Office of Secretary of State
Office of State Courts Administrator
Department of Social Services
State Public Defender
Jefferson City Police Department
Springfield Police Department
Office of Attorney General
Department of Public Safety
Missouri State Highway Patrol
Capitol Police

NOT RESPONDING: Department of Corrections and Office of Prosecution Services



Jeanne Jarrett, CPA
Director
April 3, 2000