

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0515-04
Bill No.: Perfected HCS for HBs 144 & 46
Subject: Crimes and Punishments; Law Enforcement Officers and Agencies; Prisons and Jails
Type: Original
Date: February 13, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue Fund	(\$2,256,891)	(\$2,378,156)	(\$2,463,130)
Total Estimated Net Effect on <u>All</u> State Funds	(\$2,256,891)	(\$2,378,156)	(\$2,463,130)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government*	(Unknown)	(Unknown)	(Unknown)

*Costs could exceed \$1 million.

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 6 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services, Office of State Courts Administrator,** and the **St. Louis Metropolitan Police Department** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed with existing resources.

Officials from the **Office of the State Public Defender** assume that existing staff could provide representation for those cases arising where indigent ex-jail employees were charged with failure to check for outstanding warrants before releasing a prisoner and 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 cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** assume they currently comply with the procedures for outstanding warrant inquiries (at the time of release of an offender) outlined within this proposal (Jake's Law outlined in §221.510). A further examination of current DOC procedures relating to passage of this proposal may reveal that some procedural enhancements would be beneficial for the department and this could result in some additional costs, but it is assumed that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

DOC assumes the changes to §575.230 are for increasing the class D felony sentence for aiding the escape of an incarcerated felon to a class B felony. A class D felony carries the penalty of up to 5 years, while a class B felony carries not less than 5 years but up to 15 years of incarceration. Class D felons typically serve 35.8% of their sentence before being released to parole, while class B felons serve a higher percentage of their sentence, typically 46.4% before parole. Currently, DOC has 2 individuals incarcerated for the existing offense. In the past 4 fiscal years (FY97-FY00) there have been 3 admissions, all to term. The maximum sentence imposed is 4.75 years, close to the maximum penalty. Typical time service for the 4.75 year penalty would be 1.7 years. The typical time served for a class B felon would be 6.96 years. This could increase the incarceration time by 5.26 years if this bill were passed as law, with the impact beginning in the second FY after revising the statute. Due to the low numbers of offenders affected, impact would not be measurable until the third FY.

ASSUMPTION (continued)

DOC estimates the impact for the changes to §575.230 to be \$0 or a minimal amount in FY02 and FY03. The impact for FY04 is estimated to be \$14,203 (\$35.61 per inmate, per day x 365 days x 3% inflation per year).

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume the proposed legislation would affect every incarcerating agency in the state, which not only includes state institutions but also every county and city jail in the state. Approximately one-third of all County Sheriffs are not connected to MULES and even if the Sheriff is connected, that does not assure connectivity at the incarceration facility. MHP assumes that pending charges or warrants are already recorded in the MULES database. Based upon the legislation as written, MHP could make no meaningful estimations without making assumptions. MHP assumes that the intent is envisioned to be an automation solution.

MHP's Information Systems Division stated that there currently is no single application system, associated interfaces with the Department of Corrections, or any associated common database. The legislation 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 no application system which provides the necessary local jail management support. A new application in the area of jail management will have to be designed, developed, documented, implemented, and supported.

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. Currently, there is not adequate network central-site infrastructure to implement and support in terms of routers, hubs, firewalls and switches. Costs would include the acquisition and maintenance for those components.

The Information Systems Division has determined that there would be 556 new sites that would require MULES connectivity (850 police departments, 60% of which MHP assumes to have incarceration facilities and require connectivity = 510; plus 46 county sheriffs which require connectivity (510 + 46 = 556)).

556 Circuit @ \$325 x 12 months	\$2,168,400	(recurring)
556 Sites Installation @ \$300	<u>\$ 166,800</u>	(one-time cost)
Total for connectivity -	\$2,335,200	

ASSUMPTION (continued)

MHP assumes the Information Systems Division would require 14 FTE as a result of this legislation.

10 CITS I (Computer Information Technology Specialist)	\$411,360
4 CIT II (Computer Information Technologist)	<u>\$131,424</u>
	\$542,784

5 CITS I and 2 CIT II would be responsible for modifying and providing ongoing support to the MULES application, the Criminal History application, and the Offender Management System II Interface to Criminal History and MULES applications.

The other 5 CITS I and 2 CIT II would be responsible for the development and ongoing support of the Local Jail Management System.

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

Routers, Hubs, Switches, and Firewalls (Central Site Upgrade)	\$182,000	(one-time)
Central Site Maintenance	<u>\$ 27,300</u>	(recurring)
Total for Site Upgrade	\$209,300	

As noted by MHP, the MULES, Criminal History, and the Offender Management System Interface to Criminal History/MULES are existing applications maintained by MHP. **Oversight** assumes these existing applications contain the information required for this proposal.

Therefore, Oversight assumes the MHP will not need to develop and support a new application. Oversight assumes the MHP will require two additional CITS I to modify and provide ongoing support for the existing applications.

Oversight assumes local law enforcement agencies will incur costs related to the acquisition and maintenance of computer equipment and software which will provide them MULES connectivity. MHP's Information Systems Division estimates that there would be 556 new sites requiring MULES connectivity. Assuming the equipment and software could be obtained for \$2,000 and yearly maintenance for \$1,000, costs to local law enforcement agencies could exceed \$1 million.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Costs - Missouri Highway Patrol (MHP)</u>			
Salaries	(\$70,274)	(\$86,437)	(\$88,598)
Fringe Benefits	(23,422)	(28,809)	(29,530)
Equipment and Expense	<u>(2,163,195)</u>	<u>(2,262,910)</u>	<u>(2,330,799)</u>
Total Costs - MHP	(\$2,256,891)	(\$2,378,156)	(\$2,448,927)
<u>Costs - Department of Corrections (DOC)</u>			
Increased beds	<u>\$0</u>	<u>\$0</u>	<u>(\$14,203)</u>
ESTIMATED NET EFFECT TO GENERAL REVENUE FUND	<u>(\$2,256,891)</u>	<u>(\$2,378,156)</u>	<u>(\$2,463,130)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
LOCAL LAW ENFORCEMENT*	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

*Costs could exceed \$1 million.

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 require law enforcement officers, jailers, and the Department of Corrections to conduct a check for outstanding arrest warrants on all prisoners, whether convicted or being held on suspicion of charges. Prisoners may not be released or transferred before such a records check has taken place. Failure to conduct such a check is a class A misdemeanor.

This proposal would also increase the penalty for aiding in the escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction from a class D to a class B felony.

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

Office of Prosecution Services
Office of State Courts Administrator
Office of the State Public Defender
Office of Attorney General
Department of Corrections
Department of Public Safety - Missouri Highway Patrol
St. Louis Metropolitan Police Department



Jeanne Jarrett, CPA
Director

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