

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0515-06  
Bill No.: SCS for HCS for HBs 144 & 46  
Subject: Crimes and Punishments; Law Enforcement Officers and Agencies; Prisons and Jails; Department of Corrections; State Attorney General; Criminal Procedure  
Type: Original  
Date: April 30, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue Fund	(\$204,778)	(\$244,743)	(\$265,713)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$204,778)</b>	<b>(\$244,743)</b>	<b>(\$265,713)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
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 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Health, Office of Prosecution Services, Office of State Courts Administrator**, and the **Department of Public Safety – Division of Fire Safety** assume the proposed legislation would have no fiscal impact on their agencies.

In response to a similar proposal, officials from the **Department of Public Safety – Capitol Police** and the **St. Louis Metropolitan Police Department** assume the proposed legislation would have no fiscal impact on their agencies.

In response to a similar proposal, officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed within existing resources.

In response to a similar proposal, 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 (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

ASSUMPTION (continued)

would not be measurable until the third FY.

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).

DOC assumes the changes to §575.230 are for drug and alcohol tests for drivers in certain circumstances. Instances for which testing is allowed is enhanced; however, no direct potential impact for the DOC can be assumed do to passage of this component of the proposal.

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. Based upon the legislation as written, MHP could make no meaningful estimations without making assumptions.

MHP assumes the Information Systems Division would require 2 Computer Information Technology Specialists (CITS) (\$41,136) FTE as a result of this legislation. These CITS would be responsible for the application support and maintenance of the existing MULES database.

Furthermore, MHP assumes all investigative work performed by the MHP would involve log tape scans looking for inquiries being mandated. There are no metrics available to ascertain the numbers of log tape scans that would be required. In the absence of metrics, MHP has taken the appropriate number of log tape scans executed last year for investigative purposes (600) and estimated that one half of those log scans were done looking for a specific inquiry name from specific terminals (300). The proposed legislation would, based on those calculations, result in one third of that figure (100). The average cost for this type of log tape scans at the State Data Center based upon November 2000 was \$1,244.25 (amounts ranging from \$1,632.99 to \$200.52). Taking the increased number (100) at \$1,244.25, the estimated annual recurring increased expense is \$124,425.

<u>FISCAL IMPACT - State Government</u>	FY 2002	FY 2003	FY 2004
	(10 Mo.)		
<b>GENERAL REVENUE FUND</b>			
<u>Costs - Missouri Highway Patrol (MHP)</u>			
Salaries (2 FTE)	(\$70,274)	(\$86,437)	(\$88,598)
Fringe Benefits	(\$23,422)	(\$28,809)	(29,530)
Equipment and Expense	<u>(\$111,082)</u>	<u>(\$129,497)</u>	<u>(133,382)</u>
Total Costs - MHP	(\$204,778)	(\$244,743)	(\$251,510)

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<u>Costs - Department of Corrections (DOC)</u>			
Increased beds	\$0	\$0	(\$14,203)
<b>ESTIMATED NET EFFECT TO GENERAL REVENUE FUND</b>	<b><u>(\$204,778)</u></b>	<b><u>(\$244,743)</u></b>	<b><u>(\$265,713)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<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.

DESCRIPTION

The proposed legislation would require law enforcement officers, jailers, and the Department of Corrections to conduct a check for outstanding felony and misdemeanor warrants, through the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC) System, 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. Violations of this section may be reported to the state attorney general's office and the county prosecuting attorney, who may then notify the state highway patrol for investigation.

This proposal would 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.

The proposal would also enhance the instances for which a motor vehicle operator is deemed to have given consent to chemical tests for drugs or alcohol.

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  
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  
    Capitol Police  
    Division of Fire Safety  
St. Louis Metropolitan Police Department



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