

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 0589-01
BILL NO. HB 89
SUBJECT: Theft of Transportation of Property Service
TYPE: Original
DATE: January 4, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Minimal)	(Minimal)	(Minimal)
Total Estimated Net Effect on <u>All State Funds</u> *	(Minimal)	(Minimal)	(Minimal)

* Costs expected to be less than \$100,000 annually.

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services, Office of State Courts Administrator, Department of Transportation, and the Department of Public Safety - Missouri Highway Patrol** assume the proposed legislation would have no fiscal impact on their respective agencies.

In response to a similar proposal from last session, officials from the **Department of Corrections (DOC)** stated they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational costs either through incarceration (average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of \$2.47 per offender, per day).

The following factors contribute to DOC's minimal assumption:

- 1) DOC assumes the narrow scope of the crime will not encompass a large number of offenders,
- 2) The probability exists that offenders would be charged with a similar and/or more serious offense.

Supervision by the DOC through probation or incarceration would 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.

The need for additional capital improvements is not anticipated at this time. 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.

Officials from the **Office of State Public Defender (SPD)** assume that existing staff is currently providing representation for these cases under the stealing statute for theft of services and for those stealing cases arising where indigent persons were charged with escalated felonies due to the amount of dollars involved. However, there may be more cases arising where indigent persons were charged with theft of services. The SPD assumes that existing staff can continue to provide representation, 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.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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GENERAL REVENUE FUND

Costs - Department of Corrections

Per diem costs for increase in prison or probation population	(Minimal)*	(Minimal)*	(Minimal)*
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* Costs expected to be less than \$100,000 annually.

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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	\$0	\$0	\$0
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FISCAL IMPACT - Small Business

No direct fiscal impact on small businesses would be expected due to this proposal.

DESCRIPTION

This proposal creates the crime of theft of services, which is a class C felony if the value of the services is \$750 or more and a class A misdemeanor for services less than \$750. An offender commits the crime if he or she contracts with a transportation of property provider and, after the property has been delivered, fails to make payment on the contract. Intent to avoid payment may be presumed if the offender does not make the required payment in the time specified or does not make payment within 30 days if no time was specified.

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

L.R. NO. 0589-01
BILL NO. HB 89
PAGE 4 OF 4
January 4, 2001

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of State Public Defender
Department of Transportation
Department of Public Safety
Missouri Highway Patrol

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is written in a cursive style with a large initial "J".

Jeanne Jarrett, CPA
Director
January 4, 2001