

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 1168-02
BILL NO. Perfected HCS for HB 428
SUBJECT: Eluding Law Enforcement
TYPE: Original
DATE: April 25, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

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	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** and the **Department of Public Safety** assume the proposed legislation would have no fiscal impact on their respective agencies.

In response to similar legislation from this year, officials from the **Office of the Attorney General** assumed the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of Prosecution Services** assume any cost resulting from this proposal could be absorbed with existing resources.

In response to similar legislation from this year, officials from the **Office of State Public Defender** assume they could provide representation for those 15-25 cases arising where indigent persons were charged with the crime of eluding a law enforcement official. However passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** state this bill, if passed into law, creates the crimes of eluding a law enforcement official. Penalty provisions, the component of the bill to have potential fiscal impact for DOC, is for a class A misdemeanor or a class D felony.

Currently, the DOC cannot predict the number of new cases which may result from the creation of the offenses(s) outlined in this proposal. An increase in cases 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 costs through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

In summary, due to the narrow scope of the bill, DOC assumes the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Oversight assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

FISCAL IMPACT - State Government FY 2002 FY 2003 FY 2004

(10 Mo.)

GENERAL REVENUE

<u>Costs - Department of Corrections</u> Increased Incarcerations	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
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<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 on small businesses would be expected due to this proposal.

DESCRIPTION

This proposal creates the crime of eluding a law enforcement official by use of a motor vehicle. A person commits the crime if the person attempts to elude a law enforcement official by ignoring clearly visible flashing or revolving light and an audible signals from a law enforcement vehicle that directs the person to stop, where the official has reasonable suspicion to believe a law or local ordinance has been committed. Knowingly eluding a law enforcement official is a class A misdemeanor, unless such operation of the motor vehicle is in such a way as to present a substantial risk of serious bodily injury or death to any person, in which case the infraction would be a class D felony.

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

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Office of Attorney General
Office of State Courts Administrator
Department of Public Safety
Office of Prosecution Services
Office of State Public Defender
Department of Corrections

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

April 25, 2001