

COMMITTEE ON LEGISLATIVE RESEARCH
 OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1287-01
Bill No.: HB 471
Subject: Crimes and Punishment; Drugs and Controlled Substances
Type: Original
Date: February 27, 2001

FISCAL SUMMARY

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

* Expected to exceed \$100,000 in any given fiscal year.

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 Prosecution Services** and the **Office of the State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume there would be an increase in the number of cases due to the proposal. However, they would not expect a significant impact on the budget of the judiciary.

Officials from the **Department of Corrections (DOC)** assume drug trafficking (first and second degree) accounted for 162 offenders incarcerated in CY2000. In the same time period, there were 317 admissions to probation. Drug testing done by the DOC picks up MDMA in the amphetamine positives. Upon confirmation, it can then be determined if the positive reading is from methamphetamine, ecstasy, etc. Perhaps statistics from drug tests from another source at the time of arrest could provide counts with which to estimate the potential fiscal impact of this proposal. It is not possible under current Missouri Charge Codes to know how many admissions could have been for the ecstasy drug picked up under amphetamine testing in past arrests and subsequent convictions.

The specific quantities and penalties outlined in this proposal for trafficking ecstasy could prove to increase arrests and convictions and subsequently the resulting fiscal impact for the DOC through costs related to incarcerations and supervision. 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 cost either through incarceration (FY99 average of \$35.61 per inmate, per day) or through supervision provided by the board of Probation and Parole (FY99 average of \$2.47 per offender, per day). An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

Due to the wide variance of crimes and punishments, including newly created crimes and punishments, the fiscal impact as it relates to the DOC is unknown per year.

The DOC does not anticipate the need for additional capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

Oversight assumes, based on the average incarceration cost per inmate, if eight persons are incarcerated, the unknown cost to DOC will exceed \$100,000.

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

GENERAL REVENUE FUND

BLG:LR:OD (12/00)

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<u>Costs - Department of Corrections</u> Incarceration/Probation costs*	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

* Expected to exceed \$100,000 in any given fiscal year.

<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 adds distributing or delivering more than 30 grams of any compound which contains any quantity of 3,4-methylenedioxymethamphetamine (MDMA) (commonly known as Ecstasy) to the crime of trafficking in drugs in the first degree. If the quantity involved is between 30 and 90 grams, it is a class A felony. If the quantity is 90 grams or more, or is 30 grams or more and the offense occurred in certain listed locations, it is a class A felony without the possibility of probation or parole. The proposal also adds possessing or purchasing more than 30 grams of any compound which contains any quantity of MDMA to the crime of trafficking in drugs in the second degree. If the quantity involved is between 30 and 90 grams, it is a class B felony. If the quantity involved is between 90 and 450 grams, it is a class A felony. If the quantity involved is more than 450 grams, it is a class A felony without the possibility of probation or parole.

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 State Courts Administrator
Department of Corrections

SOURCES OF INFORMATION (continued)

Office of Prosecution Services
Office of the State Public Defender



Jeanne Jarrett, CPA
Director

February 27, 2001