

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1669-01  
Bill No.: HB 826  
Subject: Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: March 1, 2017

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Bill Summary: This proposal creates the offense of unlawful traffic interference.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	(\$8,794)	(\$21,528)	(\$30,133)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$8,794)</b>	<b>(\$21,528)</b>	<b>(\$30,133)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<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 FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Transportation**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of Prosecution Services**, and the **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of unlawful interference on a public street or highway - a new class A misdemeanor, subsequent offenses would be a new class E felony. Unlawful traffic interference on an interstate highway would become a new class E felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Corrections (DOC)** state a person commits the offense of unlawful traffic interference if, with intention to impede vehicular traffic, he or she walks, stands, sits, lies, or places an object in such a manner as to block passage by a vehicle on any public street, highway or interstate highway.

According to this legislation, the offense of unlawful traffic interference on a public street or highway (not an interstate) is a class A misdemeanor which is not supervised by the DOC. Any second or subsequent violation is a class E felony.

Any person who commits the offense of unlawful traffic interference on an interstate is guilty of a class E felony. Committing this offense on any public street, highway or interstate as part of an unlawful assembly is a class D felony.

The standard response for a new class E felony is used to calculate costs for this legislation. The department estimates that one person per year will be sentenced to prison and two will receive probation. A class E nonviolent sentence averages 3.6 years. Incarcerated offenders serve 2.3 years in prison and 1.3 years on parole. Average time for probation is 3.0 years.

ASSUMPTION (continued)

The cumulative impact on DOC for this legislation could result in an additional 2.3 offenders incarcerated and 7.3 persons on probation by FY23.

We assume the class D felony will have little impact as it would be difficult to prove intent.

The FY16 average cost of supervision is \$6.12 per offender per day or an annual cost of \$2,234 per offender. The DOC cost of incarceration is \$16.67 per day or an annual cost of \$6,085 per offender.

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes and 2% inflation)
Year 1	1.0	(\$6,085)	(\$6,085)	2.0	(\$2,234)	(\$4,468)	(\$8,794)
Year 2	2.0	(\$6,085)	(\$12,170)	4.0	(\$2,234)	(\$8,936)	(\$21,528)
Year 3	2.3	(\$6,085)	(\$13,996)	6.7	(\$2,234)	(\$14,968)	(\$30,133)
Year 4	2.3	(\$6,085)	(\$13,996)	7.3	(\$2,234)	(\$16,308)	(\$32,159)
Year 5	2.3	(\$6,085)	(\$13,996)	7.3	(\$2,234)	(\$16,308)	(\$32,802)
Year 6	2.3	(\$6,085)	(\$13,996)	7.3	(\$2,234)	(\$16,308)	(\$33,458)
Year 7	2.3	(\$6,085)	(\$13,996)	7.3	(\$2,234)	(\$16,308)	(\$34,127)
Year 8	2.3	(\$6,085)	(\$13,996)	7.3	(\$2,234)	(\$16,308)	(\$34,809)
Year 9	2.3	(\$6,085)	(\$13,996)	7.3	(\$2,234)	(\$16,308)	(\$35,506)
Year 10	2.3	(\$6,085)	(\$13,996)	7.3	(\$2,234)	(\$16,308)	(\$36,216)

FISCAL IMPACT - State Government

FY 2018  
(10 Mo.)

FY 2019

FY 2020

**GENERAL REVENUE FUND**

Costs - DOC - increased incarceration and supervision from new crime of unlawful traffic interference

(\$8,794)

(\$21,528)

(\$30,133)

**ESTIMATED NET EFFECT TO THE  
GENERAL REVENUE FUND**

**(\$8,794)**

**(\$21,528)**

**(\$30,133)**

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<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.

FISCAL DESCRIPTION

This bill establishes the offense of unlawful traffic interference. A person commits the offense of unlawful traffic interference if, with intention to impede vehicular traffic, a person walks, stands, sits, lies, or places an object in such a manner as to block passage by a vehicle on any public street, highway, or interstate highway.

The offense of unlawful traffic interference on a public street or highway is a class A misdemeanor for the first violation and a class E felony for any subsequent violation. The offense of unlawful traffic interference committed on an interstate highway is a class E 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

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



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