

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0539-01
Bill No.: HB 110
Subject: Children and Minors; Crimes and Punishment; Elderly
Type: Original
Date: February 16, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would require courts to sentence persons convicted or pleading guilty to a crime of violence against a child or the elderly to a minimum of thirty consecutive days of imprisonment. There may be some increase in the number of trials. CTS would not anticipate a significant fiscal impact on the courts. There may be an impact on local jail facilities.

Officials from the **Office of Prosecution Services (OPS)** assume because this proposal mandates imprisonment for certain crimes, it may impact the caseloads of prosecutors. However, OPS assumes the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of the State Public Defender (SPD)** assume existing staff could provide representation for those few cases arising where indigent persons would have to complete a minimum of 30 consecutive days of jail time for a charge of violence against a child or the elderly. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** assume terms of imprisonment of less than 1 year are served in county jails, not state correctional institutions. Offenders sentenced to a term or imprisonment for this crime coming to DOC custody will already serve greater than 30 days. Offenders receiving a sentence of probation will have to serve the 30 day imprisonment in a county or municipal jail before their probation term begins. Therefore, DOC assumes a \$0 or Minimal fiscal impact.

Oversight assumes local and county jails could experience increased costs due to the required minimum imprisonment term.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
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LOCAL AND COUNTY JAILS

<u>Costs – Increased incarceration</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON LOCAL AND COUNTY JAILS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

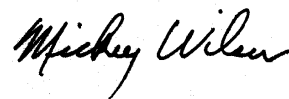
DESCRIPTION

The proposed legislation would require offenders who plead guilty to or who are found guilty of a crime of violence against a child or an elderly person to be sentenced to a term of imprisonment of at least 30 days. The individual would not be eligible for probation or parole until he or she has been incarcerated for at least 30 days.

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
Office of Prosecution Services
Office of the State Public Defender



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Director
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