

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0718-02
Bill No.: HCS for HB 350
Subject: Immigration, Crimes and Punishment
Type: Original
Date: April 10, 2009

Bill Summary: This proposal modifies provisions relating to unauthorized aliens.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Attorney General (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources, but the AGO may need to request additional staff to handle the increase in workload if multiple cases arise from the adoption of this proposal.

Officials at the **Office of Prosecution Services** assume no impact on their office. The potential impact on prosecuting attorneys will necessarily depend on the extent to which law enforcement agencies choose to enforce this provisions and/or are able to enforce this provision. If law enforcement agencies make arrests under this provision, there may be an impact based on the additional cases that may be filed.

Oversight assumes that the state agencies can absorb any costs associated with producing the required reports.

Officials at the **Department of Elementary and Secondary Education** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crime of concealing, harboring, or sheltering from detection any alien in any place within the State of Missouri including any building or means of transportation, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United State in violation of the law.

ASSUMPTION (continued)

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further extend resources. 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 competent and effective representation in all its cases.

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

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY 2008 average \$15.64 per inmate, per day or an annual cost of \$5,709) or through supervision provided by the Board of Probation and Parole (FY 2008 average \$2.47 per offender, per day or an annual cost of \$902). The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials at the **Department of Higher Education, Department of Revenue, City of Centralia, Metropolitan Community College, Missouri Veterans Commission, Capitol Police, Francis Howell School District, St. Louis County, Alcohol and Tobacco Control, City of Kansas City, Cass County, Office of the State Auditor, Fire Safety, Office of the State Courts Administrator, Administrative Hearing Commission, State Emergency Management Agency, Special School District, Missouri Southern State University, State Tax Commission, Missouri Western State University, Department of Agriculture, Office of**

ASSUMPTION (continued)

Administration, Department of Mental Health, Missouri Highway Patrol, Lincoln University, Office of the Secretary of State, Water Patrol, University of Central Missouri, Budget and Planning, Department of Natural Resources, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations, Department of Economic Development, Missouri State University, Department of Health and Senior Services, University of Missouri, Missouri Department of Transportation, Missouri Department of Conservation, Office of the Governor, Department of Social Services and the Office of the State Treasurer assume that there is no fiscal impact from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</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.

FISCAL DESCRIPTION

Section 577.675 Concealing Illegal Aliens - The bill makes it a crime for a person to conceal, harbor, or shelter from detection any alien knowing or in reckless disregard of the fact that the alien has entered or remained in the country illegally. A violation of this crime is a felony punishable by not less than one year's imprisonment, a fine of not less than \$1,000, or both.

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

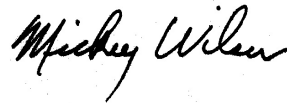
SOURCES OF INFORMATION

City of Centralia
Metropolitan Community College
Missouri Veterans Commission
 Capitol Police
 Fire Safety
 Alcohol and Tobacco Control
 State Emergency Management Agency
 Water Patrol
Francis Howell School District
St. Louis County
City of Kansas City
Cass County
Office of the State Auditor
Office of the State Public Defender
Office of the State Courts Administrator
Administrative Hearing Commission
Special School District
Missouri Southern State University
State Tax Commission
Missouri Western State University
Department of Agriculture
Office of the Secretary of State
Department of Elementary and Secondary Education
Missouri Department of Conservation
Office of Administration
Department of Mental Health
University of Missouri
Missouri Highway Patrol
Lincoln University
Missouri State University
University of Central Missouri
Department of Revenue
Budget and Planning
Office of Prosecution Services
Department of Natural Resources
Department of Insurance, Financial Institutions and Professional Registration
Department of Labor and Industrial Relations
Department of Economic Development

JH:LR:OD

SOURCES OF INFORMATION (continued)

Office of the Attorney General
Department of Health and Senior Services
Department of Higher Education
Missouri Department of Transportation
Department of Revenue
Department of Corrections
Office of the Governor
Department of Social Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 10, 2009