

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1016-03  
Bill No.: HCS for HB 330  
Subject: Alcohol; Crimes and Punishment; Law Enforcement Officers and Agencies  
Type: Original  
Date: March 12, 2009

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Bill Summary: The proposal gives courts the option of imposing continuous alcohol monitoring or verifiable breath alcohol testing for certain offenders who plead guilty to or are found guilty of an intoxication-related traffic offense.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<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 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<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>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ 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).

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

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## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Transportation, Department of Revenue, Department of Public Safety – Missouri State Highway Patrol, – Director’s Office, and the Office of the State Public Defender** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume the proposal would have no measurable fiscal impact the Office of Prosecution Services or county prosecutors.

Officials from the **Department of Corrections (DOC)** assume this bill proposes to give courts the option of imposing continuous alcohol monitoring or verifiable breath alcohol testing for certain offenders who plead guilty to or are found guilty of an intoxication-related traffic offense. Penalty provisions in the bill do not change.

DOC assumes they would have to pay the vendor costs associated with providing the services proposed in this bill for continuous alcohol monitoring or verifiable breath alcohol testing for offenders unless the offender themselves or some other source were required to pay for it. The fiscal impact for these services is an unknown amount. This type of high supervision monitoring of offenders while under probation and parole supervision may lead to increased revocation rates of which the fiscal impact is also unknown.

If additional persons are sentenced longer to the custody of the DOC due to the provisions of this legislation resulting in additional revocations, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY08 average of \$15.64 per offender, per day or an annual cost of \$5,709 per inmate) or through supervision provided by the Board of Probation and Parole (FY08 average of \$2.47 per offender, per day or an annual cost of \$902 per offender).

In summary, the fiscal impact to the DOC is of an unknown amount.

**Oversight** assumes, pursuant to the legislation, the courts may require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing. Oversight assumes DOC would incur the monitoring and testing costs for offenders who were not required by the courts to pay the costs and for offenders who fail to pay such costs.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Department of Corrections</u>			
Alcohol monitoring costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2010 (10 Mo.)	 FY 2011	 FY 2012
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation specifies that a court must consider requiring a persistent offender of alcohol-related offenses to abstain from consuming or using alcohol as a condition of parole or probation as demonstrated by continuous alcohol monitoring or verifiable breath alcohol testing performed at least four times daily.

The proposal allows the court to suspend execution of sentence of up to 30 days for an aggravated offender of alcohol-related offenses if he or she abstains from consuming or using alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed at least six times daily for a period of from 60 to 120 days as determined by the court.

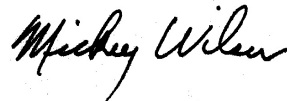
Courts may also grant probation to a chronic offender of alcohol-related offenses if as a condition of parole or probation he or she abstains from consuming or using alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed at least six times daily for a period of from six months to two years as determined by the court. The court may require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.

FISCAL DESCRIPTION (continued)

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 Transportation  
Department of Corrections  
Department of Revenue  
Department of Public Safety  
    – Missouri State Highway Patrol  
    – Director's Office  
Office of Prosecution Services  
Office of the State Public Defender



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