

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1235-01
Bill No.: HB 404
Subject: Counties; County Officials; Law Enforcement Officers and Agencies; Prisons and Jails
Type: Original
Date: February 24, 2009

Bill Summary: Allows counties to establish an inmate work and service program, includes such program in county law enforcement related expenses, and allows an assessment of up to ten dollars on certain offenses.

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 5 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 to Unknown	\$0 to Unknown	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from **Boone County** and **Department of Corrections** assume there will be no fiscal impact to their county.

Officials from the **Office of State Courts Administrator** assume the proposal allows counties to establish an inmate work and service program. In addition, it would allow the court to order a person to pay up to ten dollars into the county law enforcement restitution fund for various traffic offenses.

Traffic cases are technically misdemeanors, and if as an alternative to a traffic conviction, a defendant can get a suspended sentence for payment into the county law enforcement fund, the potential volume could be in the hundreds of thousands of cases. If cases that would otherwise have resulted in a conviction are shifted to a suspended imposition or execution of sentence, it is likely to result in the loss of revenue from fines to the schools, crime victims' compensaiton, law enforcement training, and other earmarked funds.

Currently, the total cost for a traffic ticket stands at \$56.50. This proposal would significantly increase the cost of those tickets where the fee was assessed.

Oversight assumes this proposal as written is enabling legislation and would require action by the county's governing body or by citizen petition with voter approval before fiscal impact would be realized. **Oversight** assumes no state or local fiscal impact.

Officials from **Buchanan County Sheriff, Clark County Sheriff, Green County Sheriff, Jackson County Sheriff** and **Platte County Sheriff** did not respond to our request for fiscal impact from their counties.

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

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
LOCAL GOVERNMENT	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</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 allows money from the county law enforcement restitution fund to be used for county inmate work and service programs. The amount a county can assess an individual for a plea of guilty or the finding of guilt for a charge of speeding, careless and imprudent driving, or violating a traffic signal or sign or for any class C misdemeanor or infraction is limited to \$10 which will be deposited into the fund.

The bill also authorizes county commissions or other governing bodies, in conjunction with the county sheriff, to establish an inmate work and service program within a county or regional jail. Provisions regarding inmate eligibility in the program, petitioning the court for admission to the program, refusal to participate by certain inmates, suspending the program by the sheriff, and certain immunities from liability for those performing supervisory duties in the program are included in the bill.

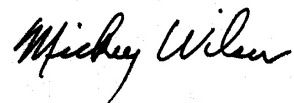
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Boone County Sheriffs Department
Department of Corrections

NOT RESPONDING

Buchanan County Sheriff
Clark County Sheriff
Greene County Sheriff
Jackson County Sheriff
Platte County Sheriff



Mickey Wilson, CPA
Director
February 24, 2009