

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1249-04
Bill No.: HCS for HB 468
Subject: Law Enforcement Officers and Agencies; Liability: Civil Procedure; Courts
Type: Original
Date: March 21, 2013

Bill Summary: This proposal changes the laws relating to public safety.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(\$3,000,000) or (\$1,825,143)	(\$3,000,000) or (\$1,554,926)	(\$3,000,000) or (\$1,518,799)
Total Estimated Net Effect on General Revenue Fund	(\$3,000,000) or (\$1,825,143)	(\$3,000,000) or (\$1,554,926)	(\$3,000,000) or (\$1,554,926)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Highway Patrol Motor Vehicle Revolving	\$0 or (\$6,173,485)	\$0 or (\$7,593,386)	\$0 or (\$7,783,220)
Cyber Crime Inv.	\$0	\$0	\$0
Highway Fund	Unknown	Unknown	Unknown
Other State Funds	\$0 or \$4,998,628	\$0 or \$6,148,312	\$0 or \$6,302,019
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown up to (\$1,174,857)	Unknown up to (\$1,445,074)	Unknown up to (\$1,481,207)

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 16 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	Unknown	Unknown	Unknown

FISCAL ANALYSIS

ASSUMPTION

§ 43.265 - Missouri Highway Patrol revolving fund;

In response to a similar proposal from this year (HB 703), officials from the **Office of Administration - Budget and Planning** deferred to the Missouri State Highway Patrol for a specific estimate on the impact to the Highway Patrol's Motor Vehicle, Aircraft, and Water Craft Revolving Fund.

In response to a similar proposal from this year (HB 703), officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated the proposed legislation would provide that the Highway Patrol's Vehicle Revolving Fund include money for the maintenance of Highway Patrol vehicles, watercraft, and aircraft and be used for maintenance and fuel costs of such items.

The Motor Equipment Division of the Highway Patrol states that maintenance expenses are currently paid from the following funds:

General Revenue -	\$67,377 (Maintenance)	+	\$1,342,451(Fuel)	=	\$1,409,828
Drug Forfeiture -	\$131,486 (Maintenance)				
Gaming -	\$185,838 (Maintenance)	+	\$776,954 (Fuel)	=	\$962,792
Water Patrol -	\$50,000 (Maintenance)				
Highway -	<u>\$1,722,913 (Maintenance)</u>	+	<u>\$3,131,162 (Fuel)</u>	=	<u>\$4,854,075</u>
Total -					\$7,408,181

As a result of this proposed legislation, those funds would see a savings, and the expense would instead come from the Vehicle/Air Revolving Fund. The MHP assumed ten months of impact in FY 2014, and a 2.5% annual increase in subsequent years.

According to reports from the **Office of the State Treasurer**, the balance of the Highway Patrol Motor Vehicle Revolving Fund (0695) at February 28, 2013 was approximately \$9.4 million.

Oversight will range the fiscal impact from this part of the proposal from \$0 (the proposal is permissive - simply adding what type of expenditure the fund can be utilized for) to the estimates provided by the MHP. The net fiscal impact from all funds will be \$0. For simplicity, Oversight will list the Vehicle/Air Revolving Fund, the General Revenue Fund, and group the other four funds into 'Other State Funds'.

ASSUMPTION (continued)

§ 57.095 - Immunity for law enforcement;

In response to the previous version of this proposal, officials from the **Office of the State Courts Administrator, Department of Public Safety - Missouri Highway Patrol** and the **Boone County Sheriff** each assumed the proposal would not fiscally impact their respective agencies.

§ 106.273 - Removal of Chief law enforcement officer;

In response to HB 399 from this year, officials from the **Department of Public Safety - Missouri Highway Patrol, City of Kansas City, Columbia Police Department, Boone County Sheriff's Department** and the **Jefferson City Police Department** each assumed the legislation would not fiscally impact their respective agencies.

§§ 174.700 - 174.712 & 544.157 - Universities and Colleges enforcing motor vehicle laws;

In response to a similar proposal from this year (HB 312), officials from the **Department of Higher Education (DHE)** stated this proposal will have no direct, foreseeable impact on their agency.

Granting authority to state college and university police officers to implement and enforce traffic regulations on public college and university property may result in additional revenue from fines or financial penalties assessed and received by the institutions as a result of the enforcement of those regulations. This could have a positive fiscal impact on public and colleges and universities granted this authority under the bill. DHE defers to institutions, which were included on the initial request, for the actual fiscal impact estimated by those individual entities.

In response to a similar proposal from this year (HB 312), officials from the **Department of Revenue (DOR)** assumed this proposal will result in an unknown increase in convictions to be processed by the Driver License Bureau. With the increase in convictions, the number of point warning and suspension/revocation notices issued for accumulation of points will also increase.

There are no statistics available to determine how many additional convictions DOR may be required to process; however, one FTE processes 320 convictions per day. DOR assumes that a minimum of one FTE (Revenue Licensing Tech) will be needed to process the additional convictions that will result from this legislation. If the volume of convictions exceeds 320 per day, then additional FTE will be required and requested through the appropriation process.

ASSUMPTION (continued)

There are no statistics available to determine the volume of telephone calls that may be received; however, one Telephone Information Operator (Revenue Processing Tech) is required to handle 100 calls per day. DOR assumes that a minimum of one FTE will be needed to answer the additional phone calls. If the volume exceeds 100 calls per day, additional FTE will be required and requested through the appropriation process.

DOR states that the amount of reinstatement fees collected is unknown.

Fees collected will be distributed as follows: Highway Funds - 75%, Cities - 15%, and Counties - 10%.

Oversight assumes this part of the proposal is permissive and, for fiscal note purposes only, will assign no fiscal impact.

In response to a similar proposal from this year (HB 312), officials from the **Office of State Courts Administrator, Department of Public Safety - State Highway Patrol, Department of Transportation, City of Kansas City, Columbia, St. Louis County, Boone County Sheriff's Department, Jefferson City Police Department, University of Missouri System, Missouri Western State University, Linn State Technical College, Missouri Southern State University, Missouri State University, University of Central Missouri, Lincoln University,** and **Northwest Missouri State University** each assumed this part of the proposal would not fiscally impact their respective agencies and institutions.

§§ 302.302 - 304.894 - Increased penalty for violations within active emergency zones;

In response to a similar proposal from this year (HB 638), officials from the **Office of Prosecution Services** assumed there will be no measurable fiscal impact from this proposal. The creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional cost, which are difficult to determine.

In response to a similar proposal from this year (HB 638), officials at the **Office of State Public Defender (SPD)** could not assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of endangerment of emergency personnel or emergency responder - a new Class C misdemeanor.

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

ASSUMPTION (continued)

appropriations to provide effective representation.

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

In response to a similar proposal from this year (HB 638), officials from the **Department of Public Safety - Missouri Highway Patrol** and **Columbia Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a similar proposal from 2012 (SB 642), officials from the **Department of Transportation** and **Office of the State Courts Administrator** each assumed the proposal would have no fiscal impact on their respective organizations.

In response to a similar proposal from this year (HB 638), officials from the **Department of Revenue - Driver License Bureau** estimated 40 hours of system testing for on Administrative Analyst I at \$24 per hour or \$960.

In response to a similar proposal from this year (HB 638), officials from the **Department of Revenue - Information Technology (OA-ITSD)** assumed updates will need to be made to the Missouri Driver Licenses (MODL) system. This will require 40 hours at \$27.05 per hour or \$1,082.

In summary, DOR assumed a cost of \$2,042 (\$960 + \$1,082) in FY 2014 to provide for the implementation of the changes in this proposal.

Increased reinstatement fees will have an unknown increase in state revenue. Fees collected will be distributed 75% Highway Funds, 15% Cities, and 10% Counties.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

§§ 429.371 - 575.133 - Spurious Liens;

Oversight assumes this part of the proposal would not create a direct fiscal impact.

ASSUMPTION (continued)

§ 566.135 - Testing for HIV, hepatitis, syphilis, and others;

In response to a similar proposal from this year (HB 490), officials from the **Department of Public Safety - Missouri Highway Patrol, Department of Corrections, Department of Health and Senior Services, Office of the State Courts Administrator, and the Office of the State Public Defender** each assumed the proposal would not fiscally impact their respective agencies.

§§ 575.045 - 575.070 - Crime of false ID to law enforcement;

In response to a similar proposal from this year (HB 108), officials from the **Office of Prosecution Services** assumed the proposal would have no measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors, which may, in turn, result in additional costs which are difficult to determine.

In response to a similar proposal from this year (HB 108), officials at the **Office of State Public Defender (SPD)** could not assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of false identification to a law enforcement officer - a new Class B misdemeanor.

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.

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

In response to a similar proposal from this year (HB 108), officials from the **Office of the State Courts Administrator** and the **Department of Public Safety - Missouri Highway Patrol** each assumed the proposal would not fiscally impact their respective agencies.

§ 632.505 - electronic monitoring;

In response to a similar proposal from this year (HB 577), officials from the **Office of the State Courts Administrator, Department of Mental Health, Department of Corrections, Department of Public Safety - Missouri Highway Patrol and Division of Fire Safety** each assumed the proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

§ 650.120 - multijurisdictional Internet cyber crime law enforcement task forces;

In response to a similar proposal from this year (HB 299), officials from the **Department of Social Services (DOS)** stated passing of the bill would enact Section 650.120, RSMo, which would allow the State Technical Assistance Team (STAT) to apply for additional grant funding. If the bill does not pass, additional grant funding will be discontinued.

STAT is a recipient of a partial (four month) Cyber Crime Investigative Fund Grant Program, for which in FY 2013, we received \$11,721.65, which is used to train employees in advanced high technology forensic investigative techniques, as well as purchase software, equipment and supplies for conducting high tech children's events investigations. Loss of this grant funding would have a negative impact in the above listed areas, which could also be reflected in the ability to protect Missouri children from high tech predators. As the grant funds are above and beyond STAT's budget, there is no fiscal impact.

In response to a similar proposal from this year (HB 299), officials from the **Department of Public Safety - Missouri Highway Patrol** assumed the proposal would not fiscally impact their agency.

In response to a similar proposal from this year (HB 299), officials from the **Springfield Police Department** stated the proposal would result in savings of roughly \$39,000 to their agency for proceeds spent on overtime, training, license renewals, covert internet service and internet aircard.

In response to a similar proposal from 2012 (HB 1750), officials from the **Boone County Sheriff's Office** stated they currently receive funding for two detectives, equipment, training and overtime for their Cyber Crimes Unit. 2011's grant provided \$173,300. 2012's grant totals \$153,305 in funding. With these grants, the Sheriff's Office does not then have to come from the department's general budget. It is not known whether Boone County would be able to cover the loss of these funds to continue to employ two of the Cyber Crimes Unit detectives and/or keep the unit operational.

Officials from the **Department of Public Safety - Director's Office** did not respond to our request for fiscal impact; however, **Oversight** completed a sunset review of the program in 2011. Below is information Oversight compiled during that sunset review:

ASSUMPTION (continued)

Beginning with fiscal year 2010 and each subsequent year, the General Assembly was to appropriate three million dollars to the Cyber Crime Investigation Fund to fund the program. The Department of Public Safety administers the fund.

State funding of the Internet Cyber Crime Grant (ICCG) program began in Fiscal Year 2007 and lasted for three years. The program was funded through the state's General Revenue Fund and expenditures in the program for those three years were:

1. \$ 184,558 in FY 2007 (2007 ICCG);
2. \$1,025,285 in FY 2008 (2008 ICCG); and
3. \$1,357,748 in FY 2009 (2009 ICCG).

In 2009, the American Recovery and Reinvestment Act (ARRA), commonly known as the federal stimulus program, was signed into law which provided additional funding to the Edward Byrne Memorial Justice Assistance Grant (JAG) for state and local law enforcement agencies. In 2010, DPS stopped funding the ICCG program and started a very similar program funded with stimulus funds and named the new program the Multi-Jurisdictional Cyber Crime Grant Program (MJCCG) to distinguish it from the ICCG. For the past four years, all Missouri cyber crime grants have been awarded under the MJCCG program. Federal funding of the MJCCG began in State Fiscal Year 2010 and will last into FY 2013 (at which time the federal stimulus funding is expected to expire). Expenditures/awards in the program for those years are:

4. \$1,407,009 of expenditures in FY 2010 (2009 MJCCG);
5. \$1,419,768 of awards in FY 2011 (2010 MJCCG); and
6. \$1,516,699 of awards in FY 2012 (2011 MJCCG).

ASSUMPTION (continued)

Therefore, for the past three fiscal years, funding for the program has been with federal stimulus funding and has not met the stated \$3 million annual threshold.

Program Year	Program	Contract Period	Grantees	Award	Expenditure	Funding Source
2007	ICCG	7/1/06 - 6/30/07	11	\$242,388	\$184,558	General Revenue
2008	ICCG	7/1/07 - 5/31/08	15	\$1,208,527	\$1,025,285	General Revenue
2009	ICCG	6/1/08 - 5/31/09	15	\$1,455,398	\$1,357,748	General Revenue
2009	MJCCG	6/1/09 - 6/30/10	13	\$1,499,597	\$1,407,009	ARRA
2010	MJCCG	7/1/10 - 6/30/11	14	\$1,419,768	Not Available	ARRA
2011	MJCCG	7/1/11 - 6/30/12	14	\$1,516,699	Not Available	ARRA

This table shows the various task forces throughout the state that received funding in a recent fiscal year (FY 2011) through the federal program (MJCCG).

	Task Force	Project Title	Requested Funding	Award
1	Boone County, Cyber Task Force	Boone County Sheriff's Department Cyber Crimes Task Force	\$204,378	\$152,305
2	Clayton, RCCEEG	Regional Computer Crime Education & Enforcement Group	\$139,655	\$138,802
3	Dent County, Cyber Task Force	South Central Missouri Computer Crime Task Force	\$44,186	\$44,186
4	Independence, Cyber Unit	Northeastern Jackson County Cyber Crimes Working Group Against Internet Crime	\$138,851	\$121,092
5	Joplin, Cyber Task Force	Southwestern Missouri Cyber Crime Task Force	\$177,586	\$177,182
6	Kirkville, Cyber Task Force	Kirkville Regional Computer Crimes Unit	\$59,742	\$59,742
7	Missouri Department of Social Services, STAT	Operation Cyber-Safe	\$97,362	\$84,512

8	Missouri State Highway Patrol, Cyber Crime Unit	Computer Forensic Unit	\$42,057	\$31,989
9	Platte County, PCMEG	Western Missouri Cyber Crimes Task Force	\$423,006	\$202,677
10	Poplar Bluff, SEMO Cyber Unit	SEMO Cyber Crimes Task Force	\$129,215	\$105,206
11	Springfield, Cyber Crime Task Force	2012 Internet Cyber Crime Initiative	\$237,582	\$73,748
12	St Charles County, Cyber Task Force	St. Charles County Internet Crimes Against Children	\$191,584	\$190,864
13	St. Louis County, Cyber Task Force	2011 MJCCG - Special Investigations Personnel Upgrade	\$181,622	\$63,746
14	Stone County, Tri-Lakes Cyber Task Force	Tri-Lakes Regional Internet Crimes Task Force	\$93,490	\$70,646
	Total Funding		\$2,160,318	\$1,516,698

Oversight assumes the federal stimulus funding for this program will be exhausted by the end of FY 2013. Therefore, Oversight will assume an annual cost of \$3 million to the General Revenue Fund to continue this program in FY 2014 and beyond. The Department of Public Safety is allowed to retain up to three percent of the funding for administrative expenses.

Two state agencies (Missouri Highway Patrol and the Department of Social Services) have received funding through this program for the last five years. Therefore, Oversight will show potentially not all of the \$3 million being distributed to local political subdivisions (some of the money could be granted to state agencies that work in this field and Department of Public Safety - Director's Office could retain a percentage of the \$3 million for administrative expenses).

§ 650.350 - Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART);

In response to a similar proposal from this year (HB 362), officials from the **Department of Public Safety - Office of the Director** assumed this part of the proposal would not fiscally impact their agency.

In response to a similar proposal from this year (HB 362), officials from the **Office of the Governor** stated there should be no added cost to their office as a result of the proposal. However, if additional duties are placed on the office related to appointments in other TAFP legislation, there may be the need for additional staff resources in future years.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE			
<u>Savings - Missouri Highway Patrol</u>			
§ 43.265 - Potential reduction in expenditures if HWY Patrol Revolving Fund starts to pay for MHP maintenance and fuel	\$0 or \$1,174,857	\$0 or \$1,445,074	\$0 or \$1,481,201
<u>Transfer Out - to the Cyber Crime Investigation Fund - to continue the Internet Cyber Crime Grant Program §650.120</u>			
	<u>(\$3,000,000)</u>	<u>(\$3,000,000)</u>	<u>(\$3,000,000)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(\$3,000,000) or <u>(\$1,825,143)</u>	(\$3,000,000) or <u>(\$1,554,926)</u>	(\$3,000,000) or <u>(\$1,518,799)</u>
 HIGHWAY PATROL MOTOR VEHICLE REVOLVING FUND			
<u>Costs - Missouri Highway Patrol</u>			
§ 43.265 - Potential increase in expenditures if HWY Patrol Revolving Fund starts to pay for MHP maintenance and fuel	\$0 or <u>(\$6,173,485)</u>	\$0 or <u>(\$7,593,386)</u>	\$0 or <u>(\$7,783,220)</u>
ESTIMATED NET EFFECT TO THE HIGHWAY PATROL MOTOR VEHICLE REVOLVING FUND	\$0 or <u>(\$6,173,485)</u>	\$0 or <u>(\$7,593,386)</u>	\$0 or <u>(\$7,783,220)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue - Cities</u>			
§§ 302.302 - 304.894 Reinstatement fees collected - increased penalties for violations within active emergency zones	Unknown	Unknown	Unknown
<u>Revenue - Counties</u>			
§§ 302.302 - 304.894 Reinstatement fees collected - increased penalties for violations within active emergency zones	Unknown	Unknown	Unknown
<u>Revenue - Police Departments and/or Sheriffs - grants from the Missouri DPS for the Internet Cyber Crime Grant program §650.120</u>			
	Up to <u>\$3,000,000</u>	Up to <u>\$3,000,000</u>	Up to <u>\$3,000,000</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Currently, the Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund, which is administered by the Superintendent of the State Highway Patrol, includes funds received from any source for the purchase of highway patrol vehicles, watercraft, watercraft motors, trailers, aircraft, and aircraft parts. The fund is to be used for the purchase of highway patrol vehicles, watercraft, and aircraft. This bill allows the fund to also include money received for the maintenance of highway patrol vehicles, watercraft, watercraft motors, trailers, aircraft, and aircraft parts and specifies that the fund be used for the purchase, maintenance, and fuel costs of the items (§ 43.265).

RS:LR:OD

FISCAL DESCRIPTION (continued)

This proposal increases penalties for moving violations and traffic offenses occurring within an active emergency zone (§§ 302.302 - 304.894).

The provisions regarding Internet cyber crime law enforcement task forces and the Cyber Crime Investigation Fund expired on June 5, 2012, but this bill extends these provisions to August 28, 2023 (§650.120).

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

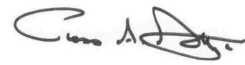
Department of Public Safety
Office of the State Courts Administrator
Office of Administration - Budget and Planning
Office of the State Treasurer
Department of Higher Education
Department of Revenue
Department of Transportation
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections
Department of Health and Senior Services
Department of Mental Health
Department of Social Services
Office of the Governor
Boone County Sheriff
Columbia Police Department
Jefferson City Police Department
Springfield Police Department
Kansas City
St. Louis County
Columbia
Missouri Western State University
Linn State Technical College
Missouri Southern State University
Missouri State University
University of Central Missouri

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SOURCES OF INFORMATION (continued)

Lincoln University
Northwest Missouri State University



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